

# FEDERAL REGISTER

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Washington, Tuesday, October 28, 1941

## The President

### EXECUTIVE ORDER

#### ESTABLISHING AN OFFICE OF FACTS AND FIGURES IN THE OFFICE FOR EMERGENCY MANAGEMENT IN THE EXECUTIVE OFFICE OF THE PRESIDENT

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and in order to define further the functions and duties of the Office for Emergency Management in the Executive Office of the President with respect to the unlimited emergency as declared by the President on May 27, 1941,<sup>1</sup> and for the purpose of facilitating the dissemination of factual information to the citizens of the country on the progress of the defense effort and on the defense policies and activities of the Government, it is hereby ordered as follows:

1. There is established within the Office for Emergency Management of the Executive Office of the President an Office of Facts and Figures, at the head of which shall be a Director appointed by the President. The Director shall discharge his responsibilities and duties under the direction and supervision of the President. The Director shall receive no salary or other remuneration for his services, but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

2. Subject to such policies and directions as the President may from time to time prescribe, the Office of Facts and Figures shall formulate programs designed to facilitate a widespread and accurate understanding of the status and progress of the national defense effort and of the defense policies and activities of the Government; and advise with the several departments and agencies of the Government concerning the dissemination of such defense information. The Office of Facts and Figures shall rely upon the services and facilities of existing agencies of the Government for the dissemination of information.

<sup>1</sup> 6 F.R. 2617.

3. The several departments and agencies of the Government shall make available to the Director, upon his request, such information and data as he may deem necessary to facilitate the most coherent and comprehensive presentation to the Nation of the facts and figures of national defense.

4. There shall be in the Office of Facts and Figures an Advisory Committee consisting of the Director as chairman and such representatives of the Federal Government and other members as he may determine. The members of the Advisory Committee shall serve without compensation, but shall be entitled to necessary travel, subsistence, and other expenses incidental to the performance of their duties.

5. Within the limits of such funds as may be made available to the Office of Facts and Figures, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services. The Office of Facts and Figures shall use such fiscal, personnel, and other general business services and facilities as may be made available to it through the Office for Emergency Management.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE  
October 24, 1941

[No. 8922]

[F. R. Doc. 41-8049; Filed, October 25, 1941;  
11:51 a. m.]

### EXECUTIVE ORDER

#### WITHDRAWING PUBLIC LANDS FOR THE USE OF THE WAR DEPARTMENT AS A NATIONAL GUARD RIFLE RANGE

NEW MEXICO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War

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#### NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 2 E., sec. 4, that part exclusive of the Atrisco grant;  
T. 11 N., R. 2 E., secs. 28 and 33; containing 1,527.60 acres.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
October 24, 1941.

[No. 8923]

[F. R. Doc. 41-8048; Filed, October 25, 1941; 11:51 a. m.]

### Rules, Regulations, Orders

#### TITLE 7—AGRICULTURE

#### CHAPTER I—AGRICULTURAL MARKETING SERVICE

##### PART 29—TOBACCO INSPECTION

Section 29.301 of this part hereby is amended as follows:

§ 29.301 *Orders of designation of tobacco markets.*

(s) The Burley tobacco markets at Bloomfield, Camp Taylor, Carrollton, Covington, Glasgow, Greensburg, Harrodsburg, Hopkinsville, Lexington, Louisville, Owensboro, and Richmond, Kentucky; Carthage, Fayetteville, Franklin, Gallatin, Greenville, Hartsville, Johnson City, Morristown, New Tazewell, and Rogersville, Tennessee; Asheville and Boone, North Carolina; Madison and New Albany, Indiana; and Weston, Missouri, are designated as markets at which transactions in tobacco are subject to the provisions of The Tobacco Inspection Act.

Effective thirty days from this date, no tobacco shall be offered for sale at auction on said markets until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction the markets designated herein. (Sec. 5, 49 Stat. 732; 7 U.S.C., Sup., 511d)

Done at Washington, D. C., this 25th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 41-8044; Filed, October 25, 1941; 11:28 a. m.]



## CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[41-Tob-60]

## PART 724—BURLEY TOBACCO

SUBPART E—1942

## Notice of Marketing Quota Regulations

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Burley Tobacco—1941-42 Marketing Year as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,<sup>1</sup> to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-8076; Filed, October 27, 1941; 11:23 a. m.]

[41-Tob-60]

## PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

## Notice of Marketing Quota Regulations—Dark Air-Cured Tobacco

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Dark Air-Cured Tobacco—1941-42 Marketing Year, as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,<sup>1</sup> to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-8078; Filed, October 27, 1941; 11:33 a. m.]

<sup>1</sup> 6 F.R. 5403.<sup>2</sup> 6 F.R. 5415.

[41-Tob-59]

## PART 726—FIRE-CURED TOBACCO

SUBPART E—1942

## Notice of Marketing Quota Regulations—Fire-cured Tobacco

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Fire-cured Tobacco—1941-42 Marketing Year, as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,<sup>1</sup> to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-8077; Filed, October 27, 1941; 11:32 a. m.]

## CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

## PART 802—SUGAR DETERMINATIONS

## DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1941 CROP OF LOUISIANA SUGARCANE FOR SUGAR

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture held public hearings in Louisiana for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1941 crop of Louisiana sugarcane for sugar:

Now, therefore, I, Paul H. Appleby, Under Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

<sup>1</sup> 6 F.R. 5409.

§ 802.22g Fair and reasonable prices for the 1941 crop of Louisiana sugarcane for sugar. (a) Fair and reasonable prices for the 1941 crop of Louisiana sugarcane shall be (when the price of 96° raw sugar, duty-paid basis, is 3.50 cents per pound) not less than \$1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) the average of the weekly quotations of 96° raw sugar, duty-paid basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered; or (2) the simple average of the weekly quotations of 96° raw sugar, duty-paid basis on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the weeks from Friday, October 17, 1941 (or the Friday within the first marketing week of actual trading) to April 2, 1942, except that, if such quotations do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis, at New Orleans, Louisiana, the Chief of the Sugar Division may substitute such prices as will give effect to any such Federal orders or regulations; *Provided, however*, (i) That on each ton of sugarcane there shall be paid a molasses bonus, such bonus to be computed by taking  $\frac{1}{2}$  of the excess, if any, of the average price per gallon of blackstrap molasses, as quoted by the agencies set out in (2) above for the period there specified, over 8 cents, and multiplying the product by  $6\frac{1}{2}$  (a figure representing the state average recoveries of blackstrap molasses for the three year period, 1938-1940), except that in computing such bonus any processor who, prior to October 4, 1941, had sold in excess of one-half of the blackstrap molasses of the 1941 crop at an established price, may, after announcement to growers served by him of the price terms of such sale, substitute for the season average price the price actually realized by him, any quantity unsold as of April 2 to be valued at the season average price;

(ii) That for each decline of  $\frac{1}{4}$  cent in the price of 1 pound of 96° raw sugar, duty-paid basis, below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 per centum, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made;

(iii) That for an advance of  $\frac{1}{4}$  cent in the price of 1 pound of 96° raw sugar, duty-paid basis, above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 per centum, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of \$1.03 for each 1 cent of the price;



(iv) That the premiums paid for sugarcane of the 1941 crop containing more sucrose in the normal juice than that defined as standard sugarcane shall be not less than those paid during the 1940 crop year;

(v) That the discounts applicable to sugarcane of the 1941 crop containing less sucrose in the normal juice than that defined as standard sugarcane shall be not greater than those applied in connection with the 1940 crop; and

(vi) That deductions based upon decreased boiling house efficiency may be made for frozen sugarcane accepted by the processor (it being understood that cane shall not be considered as frozen even after being subjected to freezing temperature unless and until there is evidence of damage having taken place because of the freeze) at a rate not in excess of 3.775 per centum of the payment, computed without regard to the molasses bonus, for each 0.25 cc. of acidity above 2.25 cc. but not in excess of 4.50 cc. (analyzed in accordance with the established methods of the area, with intervening fractions computed to the nearest multiple of 0.05 cc.).

(b) For purposes of this section:

(1) Standard sugarcane shall be sugarcane containing no more sucrose in the normal juice than was defined as standard sugarcane by the processor in his sugarcane purchase contract, or contracts, verbal or written, used in the year 1940.

(2) Costs, such as hoisting and weighing of sugarcane, shall be absorbed by the processor, except in those instances in which the processor operated in 1936 and did not bear such costs in that year; but nothing in this sub-paragraph shall be construed as prohibiting negotiations with respect to the level of such costs, subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, in the event of changes alleged to be unfair to either the producer or the processor.

(3) Where the only available practical means of transportation are rail facilities and the distance to the nearest factory is in excess of 50 miles, the cost of transportation may, by mutual consent of the interested parties, and subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, be shared by the processor and the producer.

(4) The processor shall not, through any subterfuge or device whatsoever, reduce the returns from the 1941 crop of Louisiana sugarcane to the producer below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C., 1131)

Done at Washington, D. C., this 24th day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPELBY,  
Under Secretary.

[F. R. Doc. 41-8030; Filed, October 24, 1941; 2:28 p. m.]

## CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-1-6]

### PART 901—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON, WITH REGARD TO THE SALABLE PERCENTAGE AND SURPLUS PERCENTAGE FOR THE 1941-42 CROP YEAR

The Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") acting pursuant to the provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended, executed a marketing agreement and issued an order on October 11, 1935, effective on and after October 15, 1935, regulating the handling of walnuts grown in California, Oregon, and Washington. The aforesaid marketing agreement regulating the handling of walnuts grown in California, Oregon, and Washington has been amended and certain agreements amending said marketing agreement, as amended, have been executed by the Secretary; and the aforesaid order regulating the handling of walnuts grown in California, Oregon, and Washington has been amended, and the Secretary has issued certain amendments to the aforesaid order, as amended.

The Secretary, acting pursuant to the request of the Control Board established pursuant to the provisions of the aforesaid marketing agreement, as amended, and order, as amended, conducted a public hearing in San Francisco, California, on September 12, 1941, pursuant to notice duly given to all interested parties, on certain proposed amendments to the aforesaid marketing agreement, as amended, and order, as amended, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed amendments to the marketing agreement, as amended, and order, as amended.

#### § 901.1 Findings.

It is hereby found upon the basis of the evidence introduced at the said hearing in San Francisco, California, on September 12, 1941, and the record thereof:

(e) that the supply of merchantable walnuts available during the crop year 1941-42 for handling in interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, will exceed the consumptive demand for such walnuts during such period;

(f) that the salable percentage for the crop year September 1, 1941, to August 31, 1942, should be sixty-five (65) percent, and the surplus percentage, for said crop year, should be thirty-five (35) percent;

(g) that the fixing of such percentages and the methods provided in the order, as amended, and as hereby further

amended, for the disposition of such surplus will tend to effectuate the declared policy of Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"); and

(h) that the aforesaid order, as heretofore and hereby amended, will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington.

The foregoing findings are supplementary and in addition to (1) the findings that were made in connection with the issuance of the aforesaid order on October 11, 1935, effective on and after October 15, 1935, and (2) the findings made in connection with the issuance of the previously issued amendment to said order and the findings made in connection with the issuance of each of the previously issued amendments to said order, as amended, and all of said previous findings, made in connection with the issuance of said original order, the amendment thereto, and each of the amendments to said order, as amended, are hereby ratified and affirmed except insofar as such previous findings may be in conflict with the findings herein set forth.

It is further found (§ 901.1 continued):

(i) that the amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, executed by the Secretary on October 23, 1941, and upon which a hearing was held in San Francisco, California, on September 12, 1941, was executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by this order) who handled not less than fifty (50) percent of the volume of said commodity, covered by this order, produced within the States of California, Oregon, and Washington;

(j) that the aforesaid agreement executed by the Secretary on October 23, 1941, amending the aforesaid marketing agreement, as amended, has been executed by more than three packers, signatory to said marketing agreement, who, during the preceding crop year, handled not less than sixty-seven (67) percent of the merchantable walnuts packed during such crop year;

(k) that the issuance of this order, amending the aforesaid order, as amended, is favored and approved by producers of walnuts who, during the 1940-41 crop year (which is hereby determined to be a representative period), produced for market, within the production area specified in said order, as amended, at least two-thirds ( $\frac{2}{3}$ ) of the volume of such commodity produced for market within such area; and

(l) that the order, as heretofore and as hereby amended, regulates the handling of such walnuts in the same man-



ner as the marketing agreement, as amended, does, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement, as amended. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.)

It is hereby ordered, Pursuant to the provisions of the aforesaid act, that said order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, is further amended in the respects stated hereinafter, and it is further ordered that the handling of walnuts grown in California, Oregon, and Washington, in interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such walnuts, from and after the effective date specified hereinafter, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, as hereby further amended in the following respects:

1. By deleting the period at the end of the first sentence in section 2, Article III (§ 901.4 (b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

§ 901.4 *Control of distribution.*

(b) \* \* \* and the salable percentage for the crop year September 1, 1941, to August 31, 1942, shall be sixty-five (65) percent.

2. By deleting the period at the end of the next to the last sentence in section 2, article III (§ 901.4 (b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

(b) \* \* \* and thirty-five (35) percent, being the difference between the salable percentage for the crop year ending August 31, 1942, and one hundred (100) percent, shall be the "surplus percentage" for said crop year.

3. By deleting all of the provisions contained in "Exhibit A" of the aforesaid marketing agreement, as amended, and inserting, in lieu thereof, the following as "Exhibit A" to said marketing agreement, as amended:

§ 901.19 *Pack specifications for merchantable walnuts.*

#### *California Packs*

**No. 1 Grade or No. 1 Soft Shell.** Walnuts produced from seedling trees or walnuts not properly classified in any of the following varietal packs, and in which not over 12 percent by count pass through a round opening  $7\frac{3}{4}$  inches in diameter.

**Large Budded.** Walnuts produced from trees of the Placencia Perfection or closely similar varieties, and in which not over 12 percent by count pass through a round opening  $7\frac{3}{4}$  inches in diameter.

**Medium Budded.** Walnuts produced from trees of the Placencia Perfection or closely similar varieties, and all of which pass through a round opening  $7\frac{3}{4}$  inches in diameter and in which not over 12 percent by count can pass through a round opening  $7\frac{3}{4}$  inches in diameter.

**Large Concords.** Walnuts of the Concord variety and of the same size specifications as given for Large Budded.

**Medium Concords.** Walnuts of the Concord variety and of the same size specifications as given for Medium Budded.

**Large Eureka.** Walnuts of the Eureka variety and of the same size specifications as given for Large Budded.

**Medium Eureka.** Walnuts of the Eureka variety and of the same size specifications as given for Medium Budded.

**Large Franquettes.** Walnuts of the Franquette variety and of the same size specifications as given for Large Budded.

**Medium Franquettes.** Walnuts of the Franquette variety and of the same size specifications as given for Medium Budded.

**Large Mayettes.** Walnuts of the Mayette variety and of the same size specifications as given for Large Budded.

**Medium Mayettes.** Walnuts of the Mayette variety and of the same size specifications as given for Medium Budded.

**Large Paynes.** Walnuts of the Payne variety and of the same size specifications as given for Large Budded.

**Medium Paynes.** Walnuts of the Payne variety and of the same size specifications as given for Medium Budded.

**Baby Grade.** Walnuts of any of the above-mentioned varieties may be packed under the designation of Baby Grade of that variety provided all such walnuts pass through a round opening  $7\frac{3}{4}$  inches in diameter and not over 12 percent by count pass through a round opening  $6\frac{3}{4}$  inches in diameter. Baby size walnuts of the Eureka, Franquette, or Payne varieties when packed as such shall be designated as "Long Type Baby Walnuts": *Provided, however,* That it shall not be obligatory on any packer to pack separately the baby size of the different varieties.

No pack of any of the above-mentioned varieties, except the No. 1 Grade and Baby Grades, shall contain in excess of 10 percent by count of walnuts of a dissimilar variety.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects.

#### *Oregon and Washington Packs*

Oregon and Washington walnuts may be packed in any of the pack specifications above-described for California walnuts, and in addition thereto, the following pack specifications which apply only to walnuts grown in Oregon or Washington.

**Large Soft Shells.** Walnuts produced from seedling trees or walnuts not properly classified in any of the varietal packs,

and in which not over 12 percent by count pass through a round opening  $7\frac{3}{4}$  inches in diameter.

**Medium Soft Shells.** The same as Large Soft Shells except that all pass through a round opening  $7\frac{3}{4}$  inches in diameter and not over 12 percent by count pass through a round opening  $7\frac{3}{4}$  inches in diameter.

**Baby Soft Shells.** The same as Large and Medium Soft Shells except that all pass through a round opening  $7\frac{3}{4}$  inches in diameter and not over 12 percent by count pass through a round opening  $6\frac{3}{4}$  inches in diameter.

**Baby Franquettes.** Walnuts of the Franquette variety (subject to 10% tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells.

**Baby Mayettes.** Walnuts of the Mayette variety (subject to 10% tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells and Baby Franquettes.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.)

Nothing contained in the foregoing amendments to the order, as amended, shall be deemed to affect, waive, or terminate any right, duty, obligation, or liability which has arisen or which may hereafter arise in connection with, by virtue of, or pursuant to any provision of the aforesaid order, as amended, or affect, release, or extinguish any violation of the provisions of said order, as amended, or of any regulation issued pursuant to said order, as amended, or affect or impair any right or remedy of the Secretary of Agriculture of the United States or any other person or persons with respect to any such violation.

Issued at Washington, D. C., on this 23rd day of October 1941, to be effective on and after 12:01 a. m., P. s. t., October 28, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELEY,  
Acting Secretary of Agriculture.

[F. R. Doc. 41-8043; Filed, October 25, 1941; 11:04 a. m.]

[O-4-1]

PART 904—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA<sup>1</sup>

Claude R. Wickard, Secretary of Agriculture of the United States of America, issued, effective August 1, 1941, Order No. 4, as amended,<sup>2</sup> regulating the han-

<sup>1</sup> Issued under the authority contained in 49 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup. 601 et seq.

<sup>2</sup> 6 F.R. 3762. See also Department of Agriculture, Surplus Marketing Administration, *infra*.



dling of milk in the Greater Boston, Massachusetts, marketing area.

Claude R. Wickard, Secretary of Agriculture of the United States of America, tentatively approved, on July 10, 1941, the marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in St. Johnsbury, Vermont, on August 26, 1941, and at Boston, Massachusetts, on August 27, 1941, at which times and places all interested parties were afforded an opportunity to be heard upon certain proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

#### § 904.0 Findings.

It is found upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(c) That the issuance of this amendment No. 1 to the order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, shall be, and it is hereby amended as follows:

1. In § 904.3 (b) (2) delete in the second and third lines the words "not less than one-half of 1 percent butterfat and not more than 16 percent," and substitute therefor the following: "one-half of 1 percent or more, but less than 16 percent of butterfat."

2. Delete § 904.4 (a) (1) and (2) and substitute therefor the following:

§ 904.4 Minimum prices—(a) Class I prices to producers.

(1) For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph during delivery periods prior to April 1, 1942, and thereafter \$3.26 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be 47 cents less than the price otherwise applicable pursuant to this subparagraph.

92-score butter, wholesale, at New York, average of daily quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound)	
Under 40.....	Dollars per cwt. 3.63
40 or over.....	3.86

(2) For milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be the price effective pursuant to subparagraph (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the lowest rail tariff (considering 85 pounds to one 40-quart can), for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff, M2, including revisions or supplements thereof, for the distance from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the marketing area, or, if the handler has no plant in the marketing area, for the distance to Boston.

3. In § 904.4 (c) (1) delete the words "\$3.50 for the periods prior to April 1, 1942, and thereafter \$3.13" and substitute therefor the following: "the highest Class I price in effect pursuant to subparagraph (1) of paragraph (a) of this section plus 12 cents."

4. In § 904.7 (b) delete subparagraph (5), renumber subparagraphs 6, 7, 8, and 9, as 5, 6, 7, and 8, and amend the new subparagraph (6) (present 7) to read:

(6) Subtract not less than 5½ cents nor more than 6½ cents for the purpose

of retaining a cash balance in connection with the payments set forth in §§ 904.8 (b) (3) and 904.9 (b).

5. In § 904.8 (e) delete in subparagraph (3) and subparagraph (4) the words "\$3.38 prior to April 1, 1942, and thereafter \$3.01" and substitute therefor the following: "the highest Class I price in effect pursuant to subparagraph (1) of § 904.4 (a)."

6. Amend § 904.9 (b) to read:

§ 904.9 Payments of cooperative associations.

(b) Payment to qualified cooperative associations. The market administrator shall, upon claim submitted not later than the tenth day of the second month subsequent to the delivery period to which the claim applies, in form as prescribed by him, make payments authorized under paragraph (a), or issue credit therefor out of the cash balance created pursuant to § 904.7 (b) (6), subject to verification of the receipts and other items on which the amount of such payment is based.

Issued at Washington, D. C., this 24th day of October, 1941, to become effective on and after the 28th day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,

Acting Secretary of Agriculture.

[F. R. Doc. 41-8031; Filed, October 24, 1941; 3:15 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER II—AIRCRAFT

#### PART 21—USE OF ARMY AIRCRAFT<sup>1</sup>

##### § 21.3 Passengers in aircraft—Authorization.

(e) Requests for flights by nonmilitary personnel.

(5) In case of emergency involving catastrophe or possible loss of life, specified in (c) (8) above, to The Adjutant General provided the time factor permits, otherwise to the individual having immediate command of the aircraft concerned at the time, who will in accordance with his own judgment either comply with the request or forward it to higher authority in the chain of command. In each instance where a flight is made, a report will be rendered as prescribed in (c) (8) above. (R.S. 161; 5 U.S.C. 22) [Par. 1, AR 95-90, May 19, 1941, as amended by Cir. 216, WD., Oct. 13, 1941].

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8074; Filed, October 27, 1941; 11:31 a. m.]

<sup>1</sup> § 21.3 (e) (5) is superseded.



CHAPTER VI—ORGANIZED  
RESERVESPART 61—OFFICERS' RESERVE CORPS<sup>1</sup>

## § 61.39 Air Corps Reserve.

(e) *Nonmilitary educational qualifications.*

(2) In lieu of the provisions of (1) above, present evidence that he has successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet. (39 Stat. 189, 41 Stat. 775, 42 Stat. 1033, 48 Stat. 154, 939; 10 U.S.C. 352, 353) [Par. 12, AR 140-23, July 5, 1940, as amended by Cir. 222, W.D., Oct. 20, 1941].

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8073; Filed, October 27, 1941;  
11:32 a. m.]

CHAPTER VIII—PROCUREMENT AND  
DISPOSAL OF EQUIPMENT AND  
SUPPLIESPART 81—PROCUREMENT OF MILITARY  
SUPPLIES AND ANIMALS<sup>2</sup>§ 81.3 Taxes.<sup>3</sup>

(c) *Federal taxes.*—(1) *Items on which imposed.* The items on which Federal taxes are imposed are listed below. The tax imposed in each case is equivalent to the indicated per centum of the price for which sold by the manufacturer, producer, or importer and is effective October 1, 1941. The Revenue Act further provides by a specific provision that, for the purposes of the tax, the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article. (Sec. 3440, as amended.) All references to chapters, subchapters, sections, subsections and paragraphs in connection with the following items are to the Internal Revenue Code, as amended. (Title 26, U.S.C.)

(i) *Tires and inner tubes.* [Sec. 3400 (a)]

(a) Tires wholly or in part of rubber (exclusive of metal rims or rim bases)—5 cents a pound on total weight. [Par. (1)]

(b) Inner tubes (for tires) wholly or in part of rubber—9 cents a pound on total weight. [Par. (2)]

(ii) *Automobiles, trucks, busses, and parts.* [Sec. 3403]

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus

trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof)—5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. [Subsec. (a)]

(b) Other automobile chassis and bodies, chassis, and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors—7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. [Subsec. (b)]

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in section 3403 (a) or (b)—5 per centum. [Subsec. (c)]

(iii) *Radio receiving sets, phonographs, phonograph records, and musical instruments.* Including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. [Section 3404]

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs. [subsec. (a)]

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 3404 (a), whether or not primarily adapted for such use. [Subsec. (b)]

(c) Phonograph records. [Subsec. (c)]

(d) Musical instruments. [Subsec. (d)]

(iv) *Refrigerators, refrigerating apparatus, and airconditioners.* Including in each case parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. [Sec. 3405]

(a) *Refrigerators, etc.* Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline. [Subsec. (a)]

(b) *Refrigerating apparatus.* Compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as part of, or with, a refrigerating plants, refrigerating system,

refrigerating equipment or unit, or any of the articles enumerated in section 3405 (a). [Subsec. (b)]

(c) *Air-conditioners.* Self-contained small air-conditioning units. [Subsec. (c)]

(d) *Components.* Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in section 3405 (c). [Subsec. (d)]

(v) *Sporting goods; luggage; etc. (New Manufacturers' Excise Taxes).* [Section 3406]

(a) Including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof. [Subsec. (a)]

*Sporting goods.* 10 per centum. [Par. (1)]

Badminton nets  
Badminton rackets<sup>1</sup>  
Badminton racket frames<sup>1</sup>  
Badminton racket string  
Badminton shuttlecocks  
Badminton standards  
Baseballs  
Baseball bats<sup>2</sup>  
Baseball body protectors  
Baseball shin guards  
Baseball gloves  
Baseball mitts  
Baseball masks  
Basketballs  
Billiard tables<sup>4</sup>  
Billiard balls [for such  
Billiard cues [tables  
Bowling balls  
Bowling pins  
Boxing gloves  
Boxing masks  
Boxing head guards  
Boxing ear guards  
Clay pigeons  
Cricket balls  
Cricket bats  
Croquet balls  
Croquet mallets  
Curling stones  
Deck tennis rings  
Deck tennis nets  
Deck tennis posts  
Fencing equipment  
Fishing artificial lures  
Fishing baits  
Fishing creels  
Fishing flies  
Fishing reels  
Fishing rods  
Football  
Football harness  
Football helmets  
Golf bags<sup>2</sup>  
Golf balls  
Golf clubs<sup>2</sup>  
Gymnasium equipment  
Gymnasium apparatus  
Hockey balls  
Hockey pucks<sup>2</sup>  
Hockey sticks<sup>2</sup>  
Indoor baseballs  
Indoor baseball bats<sup>2</sup>

<sup>1</sup> § 61.39 (e) (2) is superseded.

<sup>2</sup> § 81.3 (c) (1) is superseded.

<sup>3</sup> This regulation also appears in Proc. Cir. 78, War Department, dated October 31, 1941.



Indoor baseball gloves  
Indoor baseball mitts  
Lacrosse balls  
Lacrosse sticks  
Mass balls  
Polo balls  
Polo mallets  
Pool tables<sup>4</sup>  
Pool balls for such  
Pool cues tables  
Push balls  
Skates  
Skis  
Ski poles  
Snow shoes  
Snow toboggans  
Snow sleds  
Soccer balls  
Softball balls  
Softball bats<sup>2</sup>  
Softball gloves  
Softball mitts  
Squash balls  
Squash rackets<sup>1</sup>  
Squash racket frames<sup>1</sup>  
Squash racket string  
Tennis balls  
Table tennis balls  
Table tennis tables  
Table tennis nets  
Table tennis paddles  
Tennis nets  
Tennis rackets<sup>1</sup>  
Tennis racket frames<sup>1</sup>  
Tennis racket string  
Track hurdles  
Traps for throwing clay pigeons  
Vaulting poles  
Vaulting cross bars  
Vaulting standards  
Volley balls  
Volley nets  
Volley standards  
Water polo balls  
Water polo goals  
Wrestling head harness

**Luggage.** Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases—10 per centum. [Par. (2)]

**Electric, gas and oil appliances.** Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flatirons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners—10 per centum. [Par. (3)]

**Photographic apparatus.** Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic

plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films—10 per centum. [Par. (4)]

**Electric signs.** Neon-tube signs, electric signs, and electric advertising devices—10 per centum. [Par. (5)]

**Business and store machines.** 10 per centum. [Par. (6)]

Adding machines  
Addressing machines  
Autographic registers  
Bank proof machines  
Billing machines  
Bookkeeping machines  
Calculating machines  
Card punching machines  
Cash registers  
Change making machines  
Check writing machines  
Check signing machines  
Check canceling machines  
Check perforating machines  
Check cutting machines  
Check dating machines  
Other check protector machine devices  
Computing machines  
Coin counters  
Dictographs  
Dictating machine record shaving machines  
Dictating machines  
Duplicating machines  
Embossing machines  
Envelope opening machines  
Erasing machines  
Fanfold machines  
Fare registers  
Fare boxes  
Listing machines  
Line-a-time and similar machines  
Mailing machines  
Multigraph machines  
Multigraph typesetting machines  
Multigraph type justifying machines  
Numbering machines  
Portable paper fastening machines  
Pay roll machines  
Pencil sharpeners  
Postal permit mailing machines  
Punch card machines  
Sorting machines  
Stencil cutting machines  
Shorthand writing machines  
Sealing machines  
Tabulating machines  
Ticket counting machines  
Ticket issuing machines  
Typewriters  
Transcribing machines  
Time recording devices

and combinations of any of the foregoing items.

**Rubber articles.** Articles of which rubber is the component material of chief weight. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter—10 per centum. [Par. (7)]

**Washing machines.** Washing machines of the kind used in commercial laundries. No tax shall be imposed under this paragraph on washing machines of the household type. 10 per centum. [Par. (8)]

**Optical equipment—10 per centum.** [Par. (9)]

Colorimeters  
Fire control optical instruments  
Micro-projection apparatus  
Microscopes  
Optical machinery  
Optical measuring instruments  
Photo-micro apparatus  
Polariscopes  
Projection lenses  
Projection prisms  
Refractometers  
Searchlight mirrors  
Searchlight reflectors  
Spectrometers  
Spectroscopes  
Telescopes  
Telescopic sights

**Electric light bulbs and tubes.** Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter—5 per centum. [Par. (10)]

(b) **Exemption if article taxable as jewelry.** Any article taxable as jewelry under section 2400 (Chapter 19—Retailers' Excise Taxes) are exempted from the tax imposed by this section. [Subsec. (b)]

(vi) **Firearms, shells, and cartridges—11 per centum.** [Sec. 3407]. Note: The tax imposed by this section does not apply to pistols and revolvers. The sale or lease of such articles, however, by the manufacturer, producer, or importer is taxable at the same rate under Sec. 2700 (a) Chap. 25—Firearms, Subchap. A—Pistols and Revolvers.

(vii) **Matches.** [Sec. 3409]

(a) Fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk—5½ cents per 1,000 matches.

(b) All matches other than those enumerated above—2 cents per 1,000 matches.

(viii) **Electrical energy.** Electrical energy sold for domestic or commercial consumption and not for resale—3⅓ per centum. [Sec. 3411].

(ix) **Gasoline.** 1½ cents a gallon. [Sec. 3412 (a)]

All products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, except that it does not include any of the foregoing sold for use otherwise than as a fuel or in the manufacture or production of such fuel. The term "gasoline" does not include products commonly

<sup>1</sup> measuring 22 inches over-all or more in length.

<sup>2</sup> measuring 26 inches or more in length.

<sup>3</sup> measuring 30 inches or more in length.

<sup>4</sup> measuring 45 inches over-all or more in length.



or commercially known or sold as kerosene, gas oil, or fuel oil.

(x) *Lubricating oils.* 4½ cents a gallon. [Sec. 3413]

The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant. The term "lubricating oils" does not include products of the type commonly known as grease.

The items and rates in this subparagraph are based on the Revenue Act of 1941, approved September 20, 1941 (Public Law 250—77th Congress). The rates for such items supersede the defense-tax rates imposed by the Revenue Act of 1940, approved June 25, 1940 (Public, No. 656, 76th Congress). The manufacturers' tax on toilet preparations has been terminated effective October 1, 1941. [Sec. 3401]

Detailed information as to the taxes imposed, are published in Treasury Department, Bureau of Internal Revenue, Regulations Nos. 42, 44, and 46. These publications will be obtained in the same manner as those referred to in paragraph 1, AR 5-320. (Sec. 5, 41 Stat. 764, 765; 10 U. S. C. 1193)

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8040; Filed, October 25, 1941;  
10:33 a. m.]

#### TITLE 14—CIVIL AVIATION

##### CHAPTER I—CIVIL AERONAUTICS BOARD

[Amend. No. 61-17, Civ. Air Regs.]

##### PART 61—SCHEDULED AIR CARRIER RULES REGULATING OCCUPANCY OF PILOTS' COMPARTMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of October 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective November 8, 1941, Part 61 of the Civil Air Regulations is amended as follows:

<sup>1</sup> Administrative regulations of the War Department relative to interdepartmental procurement.

No. 210—2

1. By striking the first sentence of § 61.7803 (a).<sup>1</sup>

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-8055; Filed, October 27, 1941;  
9:45 a. m.]

#### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

##### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

##### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### AMENDMENT TO RULES GOVERNING SOLICITATION OF AUTHORIZATIONS REGARDING SECURITIES OF REGISTERED HOLDING COMPANIES OR SUBSIDIARIES THEREOF

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (g), 12 (e) and 20 (a) thereof (Sec. 11, 49 Stat. 820; Sec. 12, 49 Stat. 823; Sec. 20, 49 Stat. 833; 15 U.S.C. 79k, 79l, 79t), and finding that such action is necessary and appropriate in the public interest and in the interest of investors and consumers and to prevent the circumvention of the provisions of the Act and the rules and regulations of the Commission thereunder, the Securities and Exchange Commission hereby amends § 250.61 [Rule U-61] and § 250.62 (a) [Rule U-62] so that the same shall read as follows:

§ 250.61 *Solicitations other than in connection with a reorganization or transaction which is the subject of an application or declaration.* The solicitation of any authorization regarding any security of a registered holding company or subsidiary company thereof, except solicitations in connection with any reorganization subject to the approval of the Commission, or in connection with any other transaction which is or will be the subject of any application or declaration filed with the Commission, shall be subject to all rules and regulations now or hereafter adopted pursuant to section 14 (a) of the Securities Exchange Act of 1934 (Sec. 14, 48 Stat. 895; 15 U.S.C. 78n) that would be applicable to such solicitation if such security were registered on a national securities exchange: *Provided*, That unless such security is actually registered on a national securities exchange, no documents need be filed with any such exchange in connection with such solicitation.

§ 250.62 *Solicitations in connection with a reorganization or transaction which is the subject of an application or declaration—(a) General provisions.* No solicitation of any authorization, regard-

<sup>1</sup> 6 F.R. 1334.

ing any security of a registered holding company or a subsidiary company thereof, in connection with any reorganization subject to the approval of the Commission, or in connection with any other transaction which is or will be the subject of an application or declaration filed with the Commission, shall be made except pursuant to a declaration with respect to such solicitation which has become effective in the manner prescribed in paragraph (d) of this section.

Effective October 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8047; Filed, October 25, 1941;  
11:51 a. m.]

#### TITLE 19—CUSTOMS DUTIES

##### CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50499]

##### PART 10—EXAMINATION, CLASSIFICATION, AND DISPOSITION OF SPECIAL CLASSES OF MERCHANDISE

##### EXECUTIVE ORDER PERMITTING THE ENTRY OF BONA-FIDE SAMPLES OF COFFEE FOR TESTING PURPOSES WITHOUT REGARD TO QUOTA RESTRICTIONS PROVIDED FOR IN INTER-AMERICAN COFFEE AGREEMENT; CONDITIONS PRESCRIBED

OCTOBER 24, 1941.

There is published below for your information and guidance Executive Order No. 8909 signed September 26, 1941, authorizing the Secretary of the Treasury to permit entry into the United States of bona-fide samples of coffee for testing purposes without regard to quota restrictions:

##### EXECUTIVE ORDER

##### AUTHORIZING THE SECRETARY OF THE TREASURY TO PERMIT THE ENTRY OF BONA-FIDE SAMPLES OF COFFEE WITHOUT REGARD TO QUOTA RESTRICTIONS

By virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941 (Public Law 33, 77th Cong.), I hereby authorize the Secretary of the Treasury, under such conditions as he may prescribe, to permit the entry into the United States of bona-fide samples of coffee for testing purposes without regard to the quota restrictions provided for in the Inter-American Coffee Agreement.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
September 26, 1941.

Pursuant to the authority contained in that Order the following regulations are prescribed:

§ 10.54 *Entry of samples of coffee without regard to quota restrictions provided for in Inter-American Coffee Agreement; conditions prescribed.* (a) Collectors of customs are authorized to admit coffee to entry for consumption without regard to quota restrictions



under the Inter-American Coffee Agreement (T.D. 50372) when satisfied from an affidavit of the importer, or other evidence presented at the time of entry, that the coffee consists of samples imported for testing purposes only.

(b) Samples of coffee found to be exempt from quota limitations in accordance with paragraph (a) of this section may be entered for consumption without being reported for quota status and shall not be included in quota reports to the Bureau nor be subject to any other quota regulations. (E.O. 8909, Sept. 26, 1941; 6 F.R. 4929)

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-8069; Filed, October 27, 1941;  
11:26 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### CHAPTER I—MONETARY OFFICES

#### PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 9, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 24, 1941.

General License No. 9 is amended to read as follows:

§ 131.9 *General license No. 9.* (a) A general license is hereby granted authorizing the bona fide purchase and sale of commodity futures contracts and of evidences of ownership of actual commodities on an exchange or board of trade within the United States by banking institutions within the United States, for the account of nationals of any blocked country, pursuant to the instructions of such nationals, and necessary transfers or other dealings in evidences of ownership of commodities, transfers of credit and payments between accounts in banking institutions within the United States as required in connection with such purchases or sales or because of fluctuations in the market value of the commodities covered by such contracts or evidences of ownership, *Provided, That:*

(1) No such purchase shall be made except for the purpose of covering a short position taken prior to October 25, 1941, in the account of the national for whom the purchase is made;

(2) No such sale shall be made except for the purpose of liquidating a long position taken prior to October 25, 1941, in the account of the national for whom the sale is made; and

(3) In the case of either purchase or sale the net proceeds of the transaction are credited to a blocked account in the name of the national for whose account

the transaction was effected and in the banking institution within the United States which maintains the account for which the transaction was effected.

(b) Each banking institution engaging in any transaction herein authorized is required to file promptly with the appropriate Federal Reserve Bank monthly reports showing the details of each such transaction, including a description of the commodity futures contracts or evidences of ownership of actual commodities purchased or sold, the dates of the purchases or sales, the persons for whose account the purchases or sales were made, the price at which each purchase was made, the name of the exchange or board of trade on which each such transaction was effected, and the net market position in the commodity in question of the national for whose account the transaction was effected before such transaction and after such transaction. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-8050; Filed, October 25, 1941;  
11:56 a. m.]

## TITLE 32—NATIONAL DEFENSE CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

### SUBCHAPTER B—PRIORITIES DIVISION

#### PART 931—DEFENSE SUPPLIES RATING ORDER

##### *Amendment No. 1 to Supplementary Order No. P-6-a Assigning a Preference Rating to Deliveries of Civil Aircraft, Repair Parts and Accessories*

Section 931.2 (*Supplementary Order P-6-a*) is hereby amended to read as follows:

§ 931.2 *Supplementary order P-6-a.* (a) For the purpose of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of Civil Aircraft and repair parts and accessories for such aircraft by the producer thereof, to persons purchasing the same for use in the following activities, or to dealers who will dispose of such aircraft, repair parts or accessories, to persons purchasing the same for use in such activities, are hereby assigned a preference rating of A-10:

- (1) Civilian pilot training program schools.
- (2) Airline instrument training schools.
- (3) Other schools approved by the Civil Aeronautics Administration.
- (4) Home guard units.

16 F.R. 3645.

- (5) Pipe line patrol.
- (6) State and city police.
- (7) Power line patrol.
- (8) Patrol activities by or for the account of any Governmental agency.
- (9) Experimental projects approved by the Civil Aeronautics Administration.

(b) For the purposes of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of repair parts for Civil Aircraft and for accessories for such aircraft, by the producer thereof, to persons purchasing the same for use in the maintenance and repair of registered and certificated Civil Aircraft, or to dealers who will dispose of such repair parts to persons purchasing the same for use in such maintenance and repair, are hereby assigned a preference rating of A-10.

(c) This Order shall take effect on the 21st day of July, 1941, and, unless sooner revoked, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Amendment shall take effect immediately. Issued this 27th day of October, 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8051; Filed, October 27, 1941;  
9:35 a. m.]

#### PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

##### *Supplementary General Limitation Order L-3-a Further Restricting the Production of Light Motor Trucks*

In accordance with the provisions of § 976.3 (*General Limitation Order L-3*), which the following Order supplements, it is hereby ordered that:

§ 976.4 *Supplementary general limitation order L-3-a—(a) December restrictions.* During the period commencing December 1, 1941, and ending December 31, 1941, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 7 percent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such month in excess of such number.

(b) This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress,

16 F.R. 4733.



Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 24th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8034; Filed, October 24, 1941;  
4:08 p. m.]

#### PART 981—PASSENGER AUTOMOBILES

##### Supplementary General Limitation Order L-2-a Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1<sup>1</sup> (General limitation order L-2), which the following Order supplements, it is hereby ordered that:

§ 981.2 Supplementary general limitation order L-2-a. (a) During the period commencing December 1, 1941, and ending December 31, 1941, Producers shall respectively manufacture not more than the following number of Passenger Automobiles:

Name of producer	Number of passenger automobiles
General Motors	90,567
Chrysler Corporation	47,271
Ford Motor Company	38,009
Studebaker	8,834
Hudson	6,476
Nash-Lafayette	5,500
Packard	5,771
Willis-Overland	1,944
Crosley	476

(b) During the period specified above and thereafter until further order, each Producer shall continue to distribute his authorized production among various makes in accordance with the option heretofore selected by him for the period commencing August 1, 1941, and ending November 30, 1941. For the month of December, 1941, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	Number under option A	Number under option B
Chevrolet		45,180
Buick		16,402
Pontiac		14,358
Oldsmobile		11,753
Cadillac and LaSalle		2,874
Plymouth	25,184	
Dodge	11,863	
Chrysler	6,028	
DeSoto	4,196	
Ford	32,307	
Mercury	4,426	
Lincoln-Zephyr	1,270	

(c) Effective date. This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress,

<sup>1</sup> 6 F.R. 4735.

First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 24th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8033; Filed, October 24, 1941;  
4:08 p. m.]

#### PART 981—PASSENGER AUTOMOBILES

##### Supplementary General Limitation Order L-2-b Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1 (General limitation order L-2<sup>1</sup>), which the following Order supplements, it is hereby ordered, That:

§ 981.3 Supplementary general limitation order L-2-b—(a) Elimination of "bright work." On and after December 15, 1941, no producer shall use any "bright work", "bright finish", metal finish, or body trim containing copper, nickel, chrome or aluminum in the production of new passenger cars: *Provided, however*, That permission to use these materials in the plating of bumpers and in the plating of bumper guard assemblies may be given upon a showing that such use will utilize all possible conservation measures and will be restricted to minimum practicable quantities. Applications for such permission shall be made by a letter addressed to the Chief of the Automotive, Transportation, and Farm Equipment Branch, Division of Civilian Supply. Effective immediately, no producer shall produce such "bright work", "bright finish", metal finish, or body trim containing copper, nickel, chrome or aluminum except in amounts necessary to complete passenger automobiles scheduled to be completed before December 15, 1941.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8052; Filed, October 27, 1941;  
9:35 a. m.]

#### PART 994—MOTOR FUEL

##### Termination of Limitation Order L-8<sup>2</sup>

Whereas by reason of existing and threatened shortages of petroleum products in the Atlantic Coast Area, § 994.1

<sup>1</sup> 6 F.R. 4735.  
<sup>2</sup> 6 F.R. 5009.

General limitation order L-8, was issued by the Director of Priorities on the 30th day of September, 1941, limiting the distribution of motor fuel in that area, and

Whereas availability of increased transportation facilities and a lessening of demand for fuel oil, together with an increase in stocks of gasoline and light fuel oil by reason of the conservation effected through the aforesaid Limitation Order L-8, have removed the present danger of shortage in the Atlantic Coast Area, and

Whereas the Petroleum Coordinator for National Defense has recommended the termination of said Limitation Order L-8,

Now, therefore, it is hereby ordered, That:

Section 994.1 General limitation order L-8, be and the same is hereby revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 24th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8053; Filed, October 27, 1941;  
9:35 a. m.]

#### PART 1007—WASTE PAPER

##### General Limitation Order L-15 To Restrict the Consumption of Waste Paper by Paper Board and Roofing Mill Plants in the East

Whereas, the current supply of waste paper is inadequate to meet the needs of Eastern Consumers thereof for the production of paperboard and roofing materials which are essential for national defense, private account and export; and it is necessary, pending the formulation of a more direct method of allocation to individual consumers of waste paper, to effect an equitable distribution of available supplies thereof;

Now, therefore, it is hereby ordered, That:

§ 1007.1 General limitation order L-15—(a) Regulations incorporated in this order. (1) Except as expressly modified by the terms of this Order all of the provisions and definitions of Priorities Regulation No. 1, Part 944, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby incorporated in and made a part of this Order, as fully and with the same effect as if specifically herein set forth.

(b) Definitions and scope of order. (1) "Consumer" means any mill or plant en-

<sup>1</sup> 6 F.R. 4489.



gaged in the production from waste paper of (i) paperboard or (ii) roofing mill products, located in the continental United States east of a line running from the Canadian border through and including Buffalo, New York, Pittsburgh, Pennsylvania, and Tallahassee, Florida, to the Gulf of Mexico.

(2) The provisions, restrictions and limitations of this Order shall apply to the use, purchase, receipt and consumption of waste paper only insofar as the same relate to the production by a Consumer of (i) paperboard or (ii) roofing mill products.

(c) *Computation of "base" by grades.* (1) Each Consumer shall immediately compute its "base" by grades of waste paper in the following manner:

(i) Each Consumer who has produced paper board or roofing materials from waste paper for five weeks or more during the ten-week period ending 7:00 a. m., October 4, 1941, shall total such waste paper consumption for the five peak weeks in such period, and determine therefrom its weekly average of consumption, classifying the same in the following grades: mixed, news, container (old corrugated and solid fiber boxes), all other.

(ii) Each Consumer who has produced paper board or roofing materials from waste paper for less than five weeks during the ten-week period ending 7:00 a. m., October 4, 1941, shall total its waste paper consumption during the weeks of such production in such period and determine its weekly average of consumption, classifying the same in the grades set forth in (c) (1) (i).

(iii) Each Consumer who has not produced paper board or roofing materials from waste paper during the ten-week period ending 7:00 a. m., October 4, 1941, shall estimate its weekly consumption of waste paper when producing at peak capacity, classifying the same in the grades set forth in (c) (1) (i).

(d) *Limitations on use, purchase and receipt of waste paper.* (1) During the week commencing 7:00 a. m., October 25, 1941 and for each week thereafter until the week ending 7:00 a. m., November 22, 1941:

(i) Each Consumer shall use not more than 90% of its "base" in each grade of waste paper, computed as provided in (c) above.

(ii) Any Consumer having an inventory of waste paper in any grade equal to or in excess of its established "base" shall purchase or receive not more than 66⅔% of such "base" in such grade of waste paper.

(iii) Any Consumer having an inventory less than its established "base" in any grade shall purchase or receive not more than 90% of such base in such grade.

(e) *Reports to be filed.* (1) Each Consumer shall make the following reports:

(i) Immediately after the issuance of this Order, a report for the ten-week

period ending 7:00 a. m., October 4, 1941 of its total consumption of waste paper, classified in the following grades: mixed, news, containers (old corrugated and solid fiber boxes), all other.

(ii) Immediately after the issuance of this Order, a report of "base" by grades computed under (c) above.

(iii) Commencing Monday, October 27, 1941, and on each Monday thereafter until and including Monday, November 24, 1941, a report covering the weekly period ending 7:00 a. m., Saturday prior to each reporting date, indicating for each grade of waste paper specified in (c) (1) (i): (a) Total inventory at the beginning of the weekly period. (b) Total receipts during such weekly period. (c) Total consumption during such weekly period.

(iv) Said reports shall be filed with the Pulp and Paper Branch of the Office of Production Management, Washington, D. C.

(f) *Effective date and expiration.* This Order shall take effect upon the date of its issuance and shall expire on the 22nd day of November, 1941 unless extended by the Director of Priorities, provided that (e) (1) (iii) shall be effective until the 24th day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th Day of October, 1941.

D. M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8042; Filed, October 25, 1941;  
10:30 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

### PART 1316—COTTON TEXTILES

#### PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

##### Correction

Section 1316.61, *Appendix A, maximum prices for cotton goods*, appearing in the issue for Tuesday, October 21, 1941 (F.R. Doc. 41-7895, filed October 20, 1941, at 10:58 a. m.), is corrected as follows:

Insert a superior figure "2" ("2") after "Drills:" in the column headed "Type and class of cloth" of Table III, *Sheeting yarn group*, appearing on page 5338, so that footnote 2 which appears immediately beneath the table is thereby made applicable.

### PART 1335—CHEMICALS

#### PRICE SCHEDULE NO. 38—GLYCERINE

A sharp increase in the demand for glycerine has occurred in recent months as a result of the national defense pro-

gram. Glycerine is an extremely important chemical, essential not only in the production of high explosives used by the armed forces but also in the manufacture of a great number of important civilian products. Upon the price of glycerine depends the price of many other necessary chemicals. The tank-car price of crude glycerine (80% glycerol), the basic grade among those affected by this Schedule, has risen from 7½¢ per pound at the beginning of this year to 18¢ per pound during the fourth quarter. The price of refined glycerine (95% glycerol) has increased in recent months from approximately 13¢ per pound to 21½¢ per pound and is threatening to rise even higher. The Office of Price Administration has consulted with representatives of the industry and has determined that there are no justifiable reasons for prices of crude glycerine and refined glycerine in excess of 11½¢ per pound and 18¢ per pound, respectively, in tank-car quantities. Further increases in price would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.401 *Maximum prices for glycerine.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer glycerine in containers of 500 pounds or more, and no person shall buy, offer to buy or accept delivery of glycerine in containers of 500 pounds or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.410.\*

\*§§ 1335.401 to 1335.410, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.402 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.403 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of glycerine, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of glycerine, or otherwise.\*

§ 1335.404 *Records and reports.* (a) Every person making purchases or sales of glycerine in containers of 500 pounds or more after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers of the glycerine purchased or sold.



(b) On or before December 10, 1941, and on or before the 10th day of every April, August and December thereafter, every producer of glycerine, whether of crude or refined or both, shall submit to the Office of Price Administration a report on Form 138:1 in the detail required by the Form showing the total inventory of glycerine held upon the first day of each such month, and such other information as the Form requires. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1335.405 *Affirmations of compliance.* On or before December 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.\*

§ 1335.406 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of glycerine, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1335.407 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless the person making such application shall have

complied with this Schedule to the satisfaction of that Office.\*

§ 1335.408 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Glycerine" means crude and refined glycerine.\*

§ 1335.409 *Effective date of the schedule.* This Schedule shall become effective November 10, 1941.\*

§ 1335.410 *Appendix A, maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) *Refined glycerine:*

	Per pound delivered
(1) C. P. glycerine (98% glycerol):	
(i) Tank cars.....	\$0.18½
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.19¼
(2) C. P. glycerine (U. S. P. 95% glycerol):	
(i) Tank cars.....	\$0.18
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.18¾
(3) Dynamite:	
(i) Tank cars.....	\$0.18
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.18¾
(4) High gravity:	
(i) Tank cars.....	\$0.18
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.18¾
(5) Yellow distilled:	
(i) Tank cars.....	\$0.18
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2¢ per pound.

(b) *Crude glycerine:*

	Per pound delivered
(1) Soap lye (basis 80% glycerol):	
(i) Tank cars.....	\$0.11½
(ii) Drums, car-load lots.....	.11½
(iii) Drums, less than car-load lots.....	.11½
(2) Saponification (basis 88% glycerol) to refiners:	
(i) Tank cars.....	\$0.123¼
(ii) Drums, car-load lots.....	.123¼
(iii) Drums, less than car-load lots.....	.123¼
	Per pound f. o. b. point of manufacture
(3) Saponification (basis 88% glycerol) for individual uses:	
(i) Tank cars.....	\$0.123¼
(ii) Drums, car-load lots.....	.123¼
(iii) Drums, less than car-load lots.....	.14¾

(4) *Crude glycerine of glycerol percentages other than those listed above.* Maximum prices of crude glycerine, of glycerol percentages other than those listed above, in tank cars and drums

(car-load lots and less than car-load lots), shall be determined at the rate of \$0.11½ per pound delivered for glycerine of 80% glycerol content.

(c) When used in this Schedule, the term:

(1) Zone "A" means all points east of and including North Dakota, South Dakota, Nebraska, Kansas, Omaha, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means the territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B".\*

Issued this 27th day of October 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-8082; Filed, October 27, 1941; 11:37 a. m.]

## Notices

### WAR DEPARTMENT.

[Contract No. W 6616 qm-951; O. I. No. 1238]

### SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: EATON & SMITH & H. P. MORAN,  
715 OCEAN AVENUE, SAN FRANCISCO, CALIFORNIA

Contract for: Construction of New Magazine Area and Related Utilities.

Location: Benicia, California.

Fixed fee: \$119,645.00.

Estimated construction cost exclusive of fixed fee: \$2,948,394.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

QM 8888 PL 29 77 A0540-12

QM 7488 PL 781 76 A0540.067-N

QM 18049 PL 29-77 A0540-12

This contract,<sup>1</sup> entered into this 18th day of June, 1941.

ARTICLE I *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government and services, and do all things necessary for

<sup>1</sup> Approved by the Under Secretary of War, June 24, 1941.



the completion of the following work: the construction of a new magazine area, including necessary buildings, temporary structures, utilities and appurtenances thereto at Benicia, California.

It is estimated that the construction cost of the work covered by this contract will be two million, nine hundred forty-eight thousand, three hundred ninety-four dollars (\$2,948,394.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of one hundred nineteen thousand, six hundred forty-five dollars (\$119,645.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

**ART. II. Cost of the work—Reimbursement for constructor's expenditures.** The Constructor shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

**ART. III. Payments—Reimbursement for cost.** The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

**Rental for constructor's equipment.** Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

**Payment of the fixed fee.** Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted

to and approved by the Contracting Officer.

**Final payment.** Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

**ART. VI. Termination of contract by Government.** The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8035; Filed, October 25, 1941;  
10:27 a. m.]

[Contract No. W 7003 qm-28; O. I. No. 28]

#### SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTORS: CENTRAL CONTRACTING COMPANY AND BECKHAM & BROOKS OF 513 FIRST NATIONAL BANK BLDG., ATLANTA, GA., AND PERRY, GA., RESPECTIVELY

Contract for: Construction of Fourth Echelon Motor Base.

Location: Atlanta, Georgia.

Fixed fee: \$68,125.

Estimated construction cost exclusive of fixed fee: \$2,461,653.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same.

QM 18025 PL 29 77 A0540-12

QM 18307 CBU&A A0540-N

This contract, entered into this 25th day of June, 1941.

**ARTICLE I. Statement of work.** The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of the Fourth Echelon Motor Base, including necessary buildings, temporary structures, utilities and appurtenances thereto at or near Atlanta, Georgia.

It is estimated that the construction cost of the work covered by this contract will be two million, four hundred sixty-one thousand, six hundred fifty-three dollars (\$2,461,653) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

<sup>1</sup> Approved by the Under Secretary of War June 27, 1941.

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of sixty-eight thousand, one hundred twenty-five dollars (\$68,125.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

**ART. III. Payments—Reimbursement for cost.** The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

**Rental for constructor's equipment.** Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

**Payment of the fixed fee.** Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

**Final payment.** Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

**ART. VI. Termination of contract by Government.** The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8036; Filed, October 25, 1941;  
10:28 a. m.]



[Contract No. W-ORD-539—Supp. 1]

**SUMMARY OF SUPPLEMENTAL CONTRACT TO  
COST-PLUS-A-FIXED-FEE NEW ORDNANCE  
FACILITY CONTRACT**

**CONTRACTOR: THE MILITARY CHEMICAL  
WORKS, INC., KANSAS CITY, MISSOURI**

Contract<sup>1</sup> for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of anhydrous ammonia, or ammonium nitrate.

Supplement to provide the necessary facilities for the manufacture of an additional \* \* \* tons of anhydrous ammonia per day of twenty-four hours.

Place: Vicinity of Baxter Springs, Kansas.

Estimated Cost of management service (including cost of architect-engineer and construction subcontracts) under Title I:

Original: \$10,150,600.00.

Additional for Supp. 1: \$2,497,700.00.

Fixed-Fee for management service under Title I:

Original: \$45,000.00.

Additional for Supp. 1: \$1.00.

Estimated Cost of procuring equipment under Title II:

Original: \$6,458,100.00.

Additional for Supp. 1: \$1,447,100.00.

Fixed-Fee for procuring equipment under Title II:

Original: \$55,000.00.

Additional for Supp. 1: 5,000.00.

Estimated Cost of Training Key Personnel under Title III (Optional): \$50,000.00 (No change).

Fixed-Fee for Training Key Personnel Under Title III: \$1.00 (No change).

Estimated Cost of operation under Title IV (Optional):

Original: \$1,920,000.00.

Additional for Supp. 1: 288,400.00.

Fixed-Fee for operation in the production of ammonium nitrate under Title IV: \* \* \* per ton (No change).

Fixed-Fee for operation in the production of anhydrous ammonia under Title IV: \* \* \* per ton.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 51229 P531-32 A-0025-13

ORD 27071 P2-99 A-0141-02

ORD 27072 P2-99 A-0141-02

This contract, entered into this 13th day of October 1941.

<sup>1</sup> Approved by the Under Secretary of War October 16, 1941.

There is now in force between the parties hereto a certain contract, which provides for furnishing management service (including subcontracts for architect-engineer services and construction of a new Ordinance facility and installation of equipment therein), procuring production equipment, training key personnel for, and operation of a new Ordinance facility for the manufacture of anhydrous ammonia or ammonium nitrate by the Contractor for the Government, in the vicinity of Baxter Springs, Kansas, said contract having been approved September 18, 1941, being identified by the Government as "Contract No. W-ORD-539 W-ORD-19" and being hereinafter sometimes referred to as the "Contract of September 18, 1941."

The Government now desires to modify the Contract of September 18, 1941, to provide for the facilities necessary for the manufacture of an additional \* \* \* tons of anhydrous ammonia per day of twenty-four hours.

The parties hereto do mutually agree that the Contract of September 18, 1941, shall be and it is hereby modified in the following particulars:

A. Change Section 1, Article I-A, of Title I, (page 3) to read:

The new ordnance facility hereinafter referred to as "the Plant", and designated as Jayhawk Ordnance Works, shall comprise a plant near Baxter Springs, Kansas, upon a site to be furnished and made available by the Government, said plant to be capable of manufacturing \* \* \* tons of anhydrous ammonia per day of twenty-four hours.

B. Change Section 1 of Article I-C, of Title I, (page 5) to read:

It is estimated that the total cost of the work under this Title I will be approximately twelve million six hundred forty eight thousand three hundred dollars (\$12,648,300.00) including the cost of all subcontracts, but excluding the Contractor's fee and the procurement of all production equipment provided for in Title II hereof.

C. Change Section 2 of Article I-D, of Title I, (page 6) to read:

A fixed-fee in the amount of forty five thousand one dollars (\$45,001.00), which shall constitute complete compensation for the Contractor's services, including profit.

D. Change Article II-B, of Title II, (page 8) to read:

It is estimated that the total cost under this Title II will be approximately seven million nine hundred five thousand two hundred dollars (\$7,905,200.00), exclusive of the Contractor's fee.

E. Change Section 2 of Article II-C, of Title II, (page 9) to read:

A fixed-fee in the amount of sixty thousand dollars (\$60,000.00), which

shall constitute complete compensation for the Contractor's services.

F. Change Section 3 and 4 of Article IV-A, of Title IV, (pages 12 and 13) to read:

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of an initial quantity of \* \* \* tons of ammonium nitrate and an initial quantity of \* \* \* tons of anhydrous ammonia, which it is estimated will require \* \* \* months after the commencement of operation of the Plant.

4. Upon written notice to the Contractor not less than \* \* \* days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional ammonium nitrate and anhydrous ammonia as the Government may desire within the capacity of the Plant for an additional period of \* \* \* months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fees for such additional operation, which fees shall be that provided in Sections 3 and 5 of Article IV-C, hereof).

G. Change Article IV-B, of Title IV, (page 14) to read:

It is estimated that the cost of the work under this Title IV will be two million two hundred eight thousand four hundred dollars (\$2,208,400.00), exclusive of the cost of continued operation covered by the option thereof provided in Section 4 of Article IV-A hereof, and exclusive of the Contractor's fee.

H. Change Article IV-C, of Title IV, (page 14) to read:

As consideration for its undertaking under this Title IV, the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under Section 3 of Article IV-A of this Title IV of \* \* \* per ton on the initial quantity of ammonium nitrate produced hereunder and accepted by the Government; which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in Section 4 of Article IV-A of this Title IV of \* \* \* per ton of ammonium nitrate produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.



4. A fixed-fee for the work under Section 3 of Article IV-A of this Title IV of \* \* \* per ton on the initial quantity of anhydrous ammonia produced hereunder and accepted by the Government which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

5. A fixed-fee for continued operation provided in Section 4 of Article IV-A of this Title IV of \* \* \* per ton of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.

I. Change d. of Section 2, of Article V-B, of Title V, (page 22) to read:

Ninety percent (90%) of the fixed-fees provided for in Article IV-C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8037; Filed, October 25, 1941;  
10:28 a. m.]

[Contract No. W 1096 eng 7659]

#### SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: T. L. JAMES & COMPANY, INCORPORATED

Fixed-fee: \$51,678.

Contract for: Constructing an advanced single engine school including the utilities and appurtenances thereto.

Place: Lake Charles, Louisiana.

Estimated cost of project: \$2,064,635.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: Eng. 1035 P 99 A-0540-12.

This contract,<sup>1</sup> entered into this 23rd day of June, 1941.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: construction of Advanced Single Engine School at Lake Charles, Louisiana, to include the temporary construction of buildings, and the utilities and appurtenances thereto.

It is estimated that the total cost of the construction work covered by this contract will be approximately one million six hundred four thousand two hundred thirty six dollars (\$1,604,236.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of fifty-one thousand six hundred seventy-eight dollars (\$51,678) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

*Rental for contractor's equipment.* Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

*Payment of the fixed-fee.* The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

*Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the

unpaid balance of the cost of the work determined under Article II hereof.

ART. VI. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law:

Public No. 703—76th Congress—Approved July 2, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8038; Filed, October 25, 1941;  
10:32 a. m.]

[Contract No. W 1096 eng 7676]

#### SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: F. SHUTTS' SONS, A PARTNERSHIP CONSISTING OF FRED N. SHUTTS, ELMER E. SHUTTS AND HARRY H. SHUTTS

Amount fixed fee: \$7,500.00.

Estimated cost of construction project: \$1,300,000.00.

Type of construction project: Air Corps flying field and sewage disposal plant.

Location: Lake Charles, Louisiana.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng.-1035 P 99 A-0540-12 the available balance of which is sufficient to cover the cost of same.

This contract,<sup>1</sup> entered into this 27th day of June, 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: all grading and drainage on the flying field, all paving of runways and taxiways and the construction of a sewage disposal plant including utilities and appurtenances (hereinafter referred to as "the project") at the Advanced Single Engine School at Lake Charles, Louisiana and estimated to cost \$1,300,000.00.

ART. III. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil condi-

<sup>1</sup> Approved by the Under Secretary of War August 11, 1941.

<sup>1</sup> Approved by the Under Secretary of War July 14, 1941.



tions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of seven thousand five hundred dollars (\$7,500.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. Reimbursement for the following expenditures.

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract.

ART. VIII. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed-fee earned.

ART. IX. All drawings, specifications, and blue prints are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 703, 76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8039; Filed, October 25, 1941;  
10:32 a. m.]

[Contract No. W 852 ord 10064]

#### SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: STEVENS WALDEN, INCORPORATED, WORCESTER, MASS.

Contract for \* \* \* Cartridge Holders.

Amount: \$1,033,106.25.

Place: Springfield Armory, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority

<sup>1</sup> Approved by the Chief of Ordnance, October 10, 1941.

Ord-15, 265-P11-30-A (1005).105-01 the available balance of which is sufficient to cover the cost of material covered by this contract.

This contract, entered into this 27th day of August 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Holders, Cartridge.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Discount.* The Government shall be entitled to a discount of one per cent (1%) upon the amount of each installment payable under the terms of the contract if payment is made within twenty days following the submission of properly certified invoice and delivery and acceptance of the work.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8070; Filed, October 27, 1941;  
11:31 a. m.]

[Contract No. W 431 qm-5593; O. I. 1573]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE SPRINGDALE FINISHING CO., INC., CANTON, MASS.

Contract for: Furnishing and delivering all labor and material required in the dyeing and finishing of Duck, Grey, according to Schedule of Supplies.

Amount: \$1,106,915.00.

Place: Jeffersonville Quartermaster depot, Jeffersonville, Indiana.

This contract, entered into this 23d day of September, 1941.

*Scope of this contract.* The contractor shall furnish and deliver all labor and

material required in the dyeing and finishing of Duck, Grey, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana for the consideration stated One million one hundred six thousand nine hundred fifteen dollars (\$1,106,915.00) and no cents, in strict accordance with the specifications, schedules, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with specifications, the contracting officer may at any time, by a written order and without notice to the sureties, make changes in the specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Bond: Yes. Amount: \$312,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority C & E A 1941-42 QM 15401 P 14-30 A 0515-12 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8071; Filed, October 27, 1941;  
11:31 a. m.]

[Contract No. W-883-Ord-2520]

#### SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: NORRIS STAMPING AND MANUFACTURING COMPANY, LOS ANGELES, CALIFORNIA

Contract for Cases: Cartridge, \* \* \*. Amount: \$1,935,200.00.

Place: San Francisco Ordnance District, 402 Hotel Empire, Leavenworth and McAllister Streets, San Francisco, California.

<sup>1</sup> Approved by the Chief of Ordnance October 15, 1941.



The supplies to be purchased by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,599 P 11-02 A (1105), 105-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 27th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver \* \* \* Cases, Cartridge, \* \* \*, for the consideration stated One million, nine hundred and thirty five thousand and two hundred dollars (\$1,935,200.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as \* \* \* %, and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

ART. 21. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

ART. 30. *Price adjustments.* The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

*General.* It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

This contract is authorized by the Act of July 2, 1940. (Public No. 703—76th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Dec. 41-6072; Filed, October 27, 1941;  
11:32 a. m.]

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. B-54]

IN THE MATTER OF SILVER CREEK COAL CO.,  
REGISTERED DISTRIBUTOR, REGISTRATION  
No. 8397, RESPONDENT

## NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary for the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine

(a) Whether or not the Respondent in the above entitled matter, Silver Creek Coal Co., Registered Distributor, Registration No. 8397, whose address is 2204 South Loomis Street, Chicago, Illinois, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors and the Agreement ("Distributor's Agreement") dated July 5, 1940, executed by the Respondent, pursuant to Order of the Bituminous Coal Division dated June 19, 1940, in General Docket No. 12, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed.

and for said purpose gives notice that the Division has information to the effect that:

2. Said respondent is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, with its principal offices located at 2204 South Loomis Street, Chicago, Illinois, and is engaged under the powers granted to it by its corporate charter, in the business of selling and distributing coal.

3. Said respondent purchased coal for resale from certain code members located in Districts 9 and 11, and resold such coal, to Carson, Pirie, Scott & Company, Chicago, Illinois, as follows:

(a) Resales of coal produced by Grapevine Coal Co. at its Grapevine Mine, Mine Index No. 36, located in District 9.

Ship- ment date	Car No.	Size	Tons
1940 Dec 31..	IC 85343.....	1 1/4 scgs.....	60.05
1941 Jan. 4..	L & N 50042.....	1 1/4 scgs.....	52.25
9..	IC 215124.....	1 1/4 scgs.....	54.95
11..	IC 215180.....	1 1/4 scgs.....	53.3
20..	L & N 52844.....	1 1/4 scgs.....	51.35
23..	IC 83102.....	1 1/4 scgs.....	54.35
Feb. 17..	L & N 56087.....	1 1/4 scgs.....	44.6
Mar. 4..	L & N 56367.....	1 1/4 scgs.....	50.75
7..	L & N 53448.....	1 1/4 scgs.....	49.8
14..	L & N 74279.....	1 1/4 scgs.....	44.15
19..	L & N 53776.....	1 1/4 scgs.....	49.5

(b) Resales of coal produced by Tecumseh Coal Corporation at its Tecumseh Mine, Mine Index No. 105, located in District 11.

Ship- ment date	Car No.	Size	Tons
1941 Jan. 24	NYC 363678.....	1 1/4" W&D Scgs.....	53.95
Feb. 3	NYC 620412.....	1 1/4" W&D Scgs.....	32.9
6	NYC 604863.....	1 1/4" W&D Scgs.....	40.6
10	NYC 363916.....	1 1/4" W&D Scgs.....	51.25

(c) Resales of coal produced by Sunlight Coal Co. at its Sunlight No. 11 Mine, Mine Index No. 87, located in District 11.

Ship- ment date	Car No.	Size	Tons
1941 Mar. 24	So. 175751..	1 1/4" x 10M Water DD scgs.....	47.2
28	So. 191801..	1 1/4" x 10M Water DD scgs.....	45.1
31	So. 175308..	1 1/4" x 10M Water DD scgs.....	( )
	So. 176873..	1 1/4" raw scgs.....	( )

<sup>1</sup> Not indicated.

4. That said respondent accepted and retained a distributor's discount of 12 cents per net ton on the coal referred to in paragraph (3) hereof.

5. That said respondent

(a) prepaid the freight on such coal in violation of section 4, Part II (i) paragraph 3 of the Act, Rule 3 of section XIII, and Rule 1 (J) of section VII of the Marketing Rules and Regulations, which constitute violations of paragraphs (c) and (e) of its Distributor's Agreement;

(b) by making prepayments of said freight charges, said respondent extended to Carson, Pirie, Scott and Company, a service or privilege not extended to all its purchasers under like terms and conditions, or under similar circumstances in violation of section 4, Part II (h) of the Act, section 4, Part II (i) paragraph 6 of the Act, Rule 6 of section XIII of the Marketing Rules and Regulations, which constitute violations of paragraphs (c) and (e) of its Distributor's Agreement.

(c) physically handled such coal in violation of paragraph (d) of its Distributor's "Agreement."

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 22, 1941, at 10 a. m., in a hearing room of the Bituminous Coal Division at Room 1123, New Post Office Building, Chicago, Illinois.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel



their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 23, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8056; Filed, October 27, 1941;  
10:20 a. m.]

[Docket No. B-43]

IN THE MATTER OF WYATT, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9907, RESPONDENT

#### NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine—

(a) Whether or not Wyatt, Inc., Registered Distributor, Registration No. 9907, whose address is 157 Church Street, New Haven, Connecticut, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 1, 1940, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous

Coal Division on July 1, 1939 or any orders or regulations of the Division.

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12:

Date of shipment	P. R. R. car No.	Site	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Feb. 4, 1941	282675	R/M	\$2.20	\$2.20	\$0.20	43.9
Mar. 12, 1941	598716	R/M	2.20	2.20	.20	44.35
Total						88.25

3. In accepting and retaining the distributor's discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 10, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8057; Filed, October 27, 1941;  
10:20 a. m.]

[Docket No. B-44]

IN THE MATTER OF J. O. PITCHER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7341, RESPONDENT

#### NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not J. O. Pitcher Coal Company, Registered Distributor, Registration No. 7341, whose address is Perry Building, Elmira, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 19, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company,



Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	F. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Dec. 5, 1940.....	855820	M/M/R	\$2.25	\$2.20	\$0.25	26.8
Feb. 6, 1941.....	858486	M/M/R	2.20	2.20	.25	33.1
Total.....						59.9

In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

*It is therefore ordered,* That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 11, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

*It is further ordered,* That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to

the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8058; Filed, October 27, 1941;  
10:21 a. m.]

[Docket No. 1874-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHERN COAL COMPANY, INCORPORATED, FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD BY IT TO HERITAGE COAL AND STOKER COMPANY

#### NOTICE OF AND ORDER FOR HEARING

The Southern Coal Company, Incorporated, organized under the laws of Tennessee, with its principal offices in Memphis, Tennessee, being registered with the Division as a distributor, No. 8561, and acting as a sales agent for certain producers, filed its petition praying:

For a determination herein that its "ownership" or "control" over Heritage (Coal and Stoker Company), if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

*It is ordered,* That a hearing on such matter be held on December 3, 1941, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other per-

son who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 27, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8059; Filed, October 27, 1941;  
10:21 a. m.]

[Docket No. 1875-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHERN COAL COMPANY, INCORPORATED, FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD BY IT TO BANNON COAL AND ICE COMPANY

#### NOTICE OF AND ORDER FOR HEARING

The Southern Coal Company, Incorporated, organized under the laws of Tennessee, with its principal offices in Memphis, Tennessee, being registered with the Division as a distributor, No. 8561, and acting as a sales agent for certain producers, filed its petition praying:

For a determination herein that its "ownership" or "control" over Bannon Coal and Ice Company, if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

*It is ordered,* That a hearing on such matter be held on December 3, 1941, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or ma-



terial to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 27, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8060; Filed, October 27, 1941;  
10:21 a. m.]

[Docket No. B-47]

IN THE MATTER OF MAURER COAL COMPANY,  
REGISTERED DISTRIBUTOR, REGISTRATION  
No. 6065, RESPONDENT

#### NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) Whether or not Maurer Coal Company, Registered Distributor, Registration No. 6065, whose address is Patton, Pennsylvania, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 11, 1940, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939 or any orders or regulations of the Division.

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts

on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	P. R. R.		Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
	Car No.	Size				
Jan. 10, 1941	697579	2" NS.	\$2.10	\$2.10	\$0.25	48.05
Jan. 22, 1941	728769	2" NS.	2.10	2.10	.25	51.85
Jan. 22, 1941	155502	2" NS.	2.10	2.10	.25	52.45
Jan. 22, 1941	159306	2" NS.	2.10	2.10	.25	50.75
Jan. 22, 1941	291540	2" NS.	2.10	2.10	.25	48.9
Jan. 22, 1941	896353	2" NS.	2.10	2.10	.25	44.5
Jan. 22, 1941	896306	2" NS.	2.10	2.10	.25	43.35
Feb. 4, 1941	300290	R/M.	2.10	2.10	.25	45.5
Feb. 10, 1941	793419	R/M.	2.10	2.10	.25	46.85
Total						432.20

3. In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 12, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C. It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its

Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged, herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8061; Filed, October 27, 1941;  
10:22 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL AND COKE  
COMPANY, INC., REGISTERED DISTRIBUTOR,  
REGISTRATION No. 4541, RESPONDENT

#### NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not Howard Coal and Coke Company, Inc., Registered Distributor, Registration No. 4541, whose address is Sixth Street and Second Avenue, Brooklyn, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and Distributor's Agreement (the "agreement"), dated January 6, 1941, executed by the respondent pursuant to the Director's Order dated June 19, 1940 in General Docket No. 12, or any orders or regulations of the Division.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940 entered in General Docket No. 12.



Date of shipment	P. R. R.		Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
	Car No.	Size				
Jan. 15, 1941	157383	2" NS	\$2.10	\$2.10	\$0.25	51
Do	163822	2" NS	2.10	2.10	.25	49.6
Do	158066	2" NS	2.10	2.10	.25	50.7
Do	410713	2" NS	2.10	2.10	.25	51.7
Do	900698	2" NS	2.10	2.10	.25	76.65
Do	895337	2" NS	2.10	2.10	.25	75.15
Feb. 8, 1941	174004	2" NS	2.10	2.10	.25	50.45
Do	189101	2" NS	2.10	2.10	.25	
Do	191226	2" NS	2.10	2.10	.25	
Do	179900	2" NS	2.10	2.10	.25	399.7
Do	699961	2" NS	2.10	2.10	.25	
Do	161704	2" NS	2.10	2.10	.25	
Feb. 20, 1941	166204	2" NS	2.10	2.10	.25	
Do	703342	2" NS	2.10	2.10	.25	
Do	705589	2" NS	2.10	2.10	.25	
Do	155068	2" NS	2.10	2.10	.25	355.9
Do	710035	2" NS	2.10	2.10	.25	
Do	729865	2" NS	2.10	2.10	.25	
Mar. 13, 1941	178802	2" NS	2.10	2.10	.25	
Do	727125	2" NS	2.10	2.10	.25	
Do	152834	2" NS	2.10	2.10	.25	296.9
Do	159453	2" NS	2.10	2.10	.25	
Do	729106	2" NS	2.10	2.10	.25	
Total						1,457.75

3. In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 13, 1941, at a hearing room of the Bituminous Coal Division at 10 a. m. in the forenoon, Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its

Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-8062; Filed, October 27, 1941; 10:22 a. m.]

[Docket No. 1870-FD]

IN THE MATTER OF THE APPLICATION OF NASHVILLE COAL COMPANY, INC., FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED AND RESOLD BY IT TO OLD HICKORY COAL AND ICE COMPANY AND JACKSON ICE AND COAL COMPANY

ORDER GRANTING PETITION FOR LEAVE TO AMEND APPLICATION

The Nashville Coal Company, Inc., having filed an original application in the above-entitled matter, and the said applicant thereafter having filed on October 4, 1941, a petition for leave to amend said original application so as to include the following prayers:

1. That the Division determine that the Old Hickory Coal & Ice Company and the Jackson Ice & Coal Company do not own or financially or otherwise control petitioner.

2. That the Division determine that the ownership or control by mutual stockholders of the three corporations above mentioned is bona fide, is not established primarily or otherwise to secure indirect price reductions, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Act.

3. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to accept and retain distributor's discounts on coal purchased and resold by it to the Old Hickory Coal & Ice Company and the Jackson Ice & Coal Company.

4. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to secure commissions on coals sold by them as sales agents for code member producers to Old Hickory Coal & Ice Company and Jackson Ice & Coal Company.

5. For such further and alternative relief as to the Director may appear just and equitable.

Said petition for leave to amend does not appear to affect the allegations of fact as made in the original application, but merely broadens the prayer thereof, and should be granted.

Accordingly, it is so ordered.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-8064; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. A-721, Part II]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX No. 1193 OF DISTRICT No. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER RE-SCHEDULING HEARING AND REDESIGNATING EXAMINER

Pursuant to a Notice of and Order for Hearing in the above matter, dated September 6, 1941, a hearing having been held in Washington, D. C., on October 2, 1941; and

Intervenors having failed to appear but having requested by letter that the hearing be transferred to a location convenient to them; and

The Examiner designated to preside at the above hearing having referred the matter to the Director for appropriate action,

It is, therefore, ordered, That a hearing in the above-entitled matter be held at 10 a. m. on November 7, 1941, in a hearing room of the Bituminous Coal Division in the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Charles S. Mitchell be and he is hereby designated to preside at such hearing, vice Scott A. Dahlquist.

It is further ordered, That the Notice of and Order for Hearing herein dated September 6, 1941, shall in all other respects remain in full force and effect.

Dated: October 23, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-8065; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. B-78]

IN THE MATTER OF A. C. SMITH, PAYTON, KENTUCKY, DEFENDANT

ORDER OF DISMISSAL

Mr. William S. King, a code member, whose address is Payton, Kentucky, on March 11, 1941, having filed with the Division a formal complaint against A. C. Smith, the defendant in the above-entitled matter, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging the sale of 5 tons of forked residential fuel on December 8,



1940, at a price 60 cents less than the prescribed minimum price for such coal; and

It appearing that on December 8, 1940, the date of the alleged violations, said A. C. Smith was not a code member, having been removed from the list of code members as of July 1, 1940, and was not, therefore, subject to the provisions of the Code nor the Regulations established by the Division;

Now, therefore, it is ordered, That the complaint filed by William S. King against A. C. Smith, the defendant in the above-entitled matter, be and it is hereby dismissed.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8066; Filed, October 27, 1941;  
10:23 a. m.]

[Docket No. 1625-FD]

IN THE MATTER OF CONSOLIDATED COAL  
AND STOKER COMPANY, REGISTERED DIS-  
TRIBUTOR, REGISTRATION No. 1804, DE-  
FENDANT

ORDER MAKING REINSTATEMENT OF REGISTRA-  
TION RETROACTIVE

Consolidated Coal and Stoker Company having filed with the Division on September 29, 1941, a motion and affidavit of Rees Bungay, dated September 26, 1941, requesting that an Order of the Director in the above-entitled matter, reinstating the registration of said company as a distributor, dated and effective as of September 5, 1941, be made retroactive to take effect as of August 16, 1941; and

It appearing in said affidavit that extenuating circumstances prevented the filing of the affidavit of said company as required by the Order of the Acting Director, dated July 11, 1941, suspending its registration as a distributor, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the reinstatement of the registration of Consolidated Coal and Stoker Company as a distributor be and hereby is made retroactive, to take effect as of August 16, 1941.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8067; Filed, October 27, 1941;  
10:23 a. m.]

[Docket No. A-677]

PETITION OF DISTRICT BOARD NO. 15 FOR  
REVISION OF THE PRICE CLASSIFICATIONS  
AND MINIMUM PRICES FOR CERTAIN COALS  
OF THE MINES OF CODE MEMBERS IN  
PRODUCTION GROUP NO. 4 IN DISTRICT  
NO. 15 FOR ALL SHIPMENTS EXCEPT  
TRUCK TO MARKET AREA NO. 78

MEMORANDUM OPINION AND ORDER OF THE  
DIRECTOR CONCERNING PETITION FOR RE-  
CONSIDERATION

This proceeding was instituted upon an original petition filed with the Bitu-

minous Coal Division by District Board 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested that the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck be revised and amended by increasing the price of coals in the Domestic, Commercial and Industrial Coal Schedule in Size Groups 1, 2, 3, and 4, 8 cents per ton and in Size Group 9, 13 cents per ton and shipment into Market Area 78. (St. Joseph, Missouri)

A notice of appearance was filed by Consumers' Counsel.

Pursuant to an Order of the Director, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Original petitioner and the Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the Director who issued his Findings of Fact, Conclusions of Law and Opinion in this matter on August 19, 1941. It is of decision granting the requested relief that Consumers' Counsel asks reconsideration.

On February 13, 1941, The Atchison, Topeka and Santa Fe Railroad Company, serving all but two mines in Production Group 4 of District 15 published, for shipment to St. Joseph, Missouri, (Market Area 78), a new tariff rate reducing the rate then in effect 8 cents a ton in Size Groups 1, 2, 3, 4, and 9. As a result of this reduction, a substantial number of mines in Production Group 4 obtained an 8 cent price advantage on shipments into St. Joseph, Missouri, in these sizes. To offset this advantage, District Board 15 sought a corresponding increase in the minimum prices established for the mines in Production Group 4 shipping these sizes into this market area. For Size Group 9 coals produced in this production group, the District Board sought a 13 cent price increase.

In a brief contending that the relief requested should be denied, the Consumer's Counsel argued that the granting of the relief would deprive the consumers in St. Joseph, Missouri, of the benefits which have accrued to them as a result of the above-mentioned freight rate reduction. However, the testimony showed that it was unlikely that retailer would pass on so small a savings to the consumer.

The Director found that the coordinated delivered relationship between the base group coals and the coals from other production groups in District 15 had been altered by the 8 cent reduction in Size Groups 1, 2, 3, 4, and 9 in the Atchison, Topeka and Santa Fe Railroad tariff, and that the requested relief would preserve to all code members within District 15, including those in Production Group 4, their fair competitive opportunities and relationship in Market Area 78, which

existed therein prior to the date of the effective Atchison, Topeka and Santa Fe Railroad tariff revision.<sup>1</sup> Accordingly, an Order was issued on August 19, 1941, granting relief.

On September 18, 1941, Bituminous Coal Consumers' Counsel filed a Petition for Reconsideration requesting modification of the Order of the Director dated August 19, 1941. In its petition, Bituminous Coal Consumers' Counsel contends that the effect of the Director's decision is to nullify any downward change in the transportation charge affecting bituminous coal by a corresponding increase of the minimum f. o. b. mine price. This, it is claimed, has the effect of offsetting valid reductions ordered by the Interstate Commerce Commission. The Consumers' Counsel also contends that the conclusion that any such small reduction of 8 cents would be absorbed by retailers is unwarranted since the interest of the consumer frequently coincides with the interest of the retailer.

The Director has reconsidered the matter, but can find no justification for modification of his Order of August 19. The freight increase involved here was a voluntary change by the Atchison, Topeka and Santa Fe to which no objection was offered and hence involved no "determination" by the Interstate Commerce Commission based upon a "factual record," as is charged by the Consumers' Counsel. There being no finding by that Commission as to the validity of such rate change, the contention of the Consumers' Counsel Division that this Division has upset the valid rate reductions ordered by the Interstate Commerce Commission is unsupported.

Moreover, Consumers' Counsel has seemingly failed to comprehend the effect of the particular freight charge in question. Under the mandate of Congress requiring the Division to consider transportation charges in coordinating the minimum prices set up pursuant to section 4 II (a) of the Act, any important revision in transportation charges which affects coordination raises the question whether an appropriate revision of the effective minimum prices must be made.<sup>2</sup>

In this particular case the rate change operated to disrupt intra-district coordination. This disruption had to be corrected because the resulting competitive advantage was to a group of mines which has in the past shipped only a relatively small percentage of the total tonnage into Market Area 78 by District 15 producers. The record shows that of a total of 101,120 tons of coal, in the sizes involved, shipped to Market Area 78 by District 15 producers in 1937, mines in Production Group 4 shipped only 19,568 tons. Moreover, Production Group 4 shipments were confined to only one size whereas mines

<sup>1</sup> The Director found that the 5 cents additional increase in the effective minimum price for Size Group 9 coals should also be granted to correct an error in definition. Size Group 9 coals are lump coals and not mine run as defined in the District 15 Price Schedule.

<sup>2</sup> Section 4 II (b) of the Act.



in Production Groups 1, 2, and 3 shipped all sizes. Although the Act does not seek to "freeze" market conditions, the requirement that "existing fair competitive opportunities" be preserved does necessitate a readjustment of the intra-district coordination so as to allow all production groups to continue their movement of coal on a fair competitive basis.

Consumers' Counsel has not shown that the consumer will necessarily be injured by the increase in the effective minimum prices. In accordance with the provisions of the Act, the Division in its regulation of the minimum price level, always pays due regard to the interests of the consuming public. Here, however, there is no evidence that the raise in minimum prices will be of consequence to the consuming public since the price to the consumer will doubtless not be affected. The testimony shows instead that the retail dealers do not as a rule reduce prices of coal by so small an amount as 8 cents. Since the coordination of minimum prices can be restored without any appreciable effect on the consuming public, the Director concludes that the petition herein of the Consumers' Counsel does not show necessity for revision of the Order of August 19, 1941.

Now, therefore, it is ordered, That the petition of the Bituminous Coal Consumers' Counsel Division seeking a modification of the Director's Order of August 19, 1941, granting relief in this matter be and it hereby is denied.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8068; Filed, October 27, 1941;  
10:24 a. m.]

#### APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and Address	Date Application Filed
Robert B. Adams Co., Box 432 Pottsville, Pa.	Oct. 11, 1941
Detroit Pomeroy Coal Co., P. O. Box 367, Pomeroy, Ohio.	Oct. 9, 1941
The Robt. Dixon Co., Ltd., 313 Albert St., Oshawa, Ontario.	Oct. 10, 1941
W. A. Dykes, Buck Dykes Coal Co., Box 5067, Oklahoma City, Okla.	Oct. 13, 1941
Martin Lingler, 408 Maple Ave., Hamilton, Ohio.	Oct. 13, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 24, 1941. This information should be mailed or presented

to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: October 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8063; Filed, October 27, 1941;  
10:22 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (T) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Claude R. Wickard, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act. No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective August 1, 1941, Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved on July 10, 1941, a marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 20, 1941, of a public hearing which was held in St. Johnsbury, Vermont, on August 26, 1941, and in Boston, Massachusetts, on August 27, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such times and places all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 27, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10,

73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 4, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Greater Boston, Massachusetts, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 4, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 22nd day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,  
Acting Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT  
The President of the United States.

OCTOBER 23, 1941.

[F. R. Doc. 41-8032; Filed, October 24, 1941;  
3:15 p. m.]

#### DEPARTMENT OF LABOR.

##### Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE FANS AND BLOWERS INDUSTRY

NOTICE OF HEARING AND OPPORTUNITY TO SHOW CAUSE

The Fans and Blowers Industry, for the purpose of this notice, is that industry which manufactures fans, blowers, exhausters and similar mechanical devices (exclusive of the driving mechanism) for producing air or other gas flow out of, or into an enclosed space through ducts, except:

(a) Positive displacement devices, either rotary or reciprocating; and blowers designed to operate against water pressures exceeding 42"; and

(b) Products or systems in which the fan or blower unit constitutes but one component.

All interested persons are hereby notified that they are given until November 6, 1941, to show cause why the Secretary of Labor should not determine the minimum wage for the Fans and Blowers Industry, as herein defined, to



be 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piecework basis.

The minimum wage proposal is predicated upon a tabulation of wage schedules voluntarily submitted by members of the industry through the National Association of Fan Manufacturers and collated by the Research Section of the Division of Public Contracts, Department of Labor. Copies of this wage tabulation may be had on application to the Administrator of the Division of Public Contracts, Washington, D. C.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before November 6, 1941. No form for the brief is prescribed but an original and four copies must be submitted.

On November 6, 1941, at 10 a. m., a hearing will be held in Room 3229, Department of Labor Building, Washington, D. C., at which interested persons will be given opportunity to be heard in opposition to or in favor of the proposed determination.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: October 25, 1941.

[SEAL] L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 41-8087; Filed, October 27, 1941;  
11:58 a. m.]

#### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 27, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Gooch Food Products Company, 6th and South Streets, Lincoln, Nebraska;

No. 210—4

Macaroni Products; 4 learners; 4 weeks for any one learner; Cellophane Bag Making Machine Operator; 30 cents per hour; December 8, 1941.

Lasko Strap Company, 26 Exchange Place, Jersey City, New Jersey; Leather Wrist Watch Straps; 4 learners; 4 weeks for any one learner; 30 cents per hour; Looping; December 8, 1941.

B. Oshrin and Brothers, 390 West Broadway, New York, New York; Photo Mounts; 4 learners; 4 weeks for any one learner; Paster, Assembling Photo Mounts; 30 cents per hour; April 27, 1942.

Fred will Manufacturing Company, 13th and Bushkill Drive, Easton, Pennsylvania; Fancy Covered Boxes and Bridge Covers; 25 learners; 6 weeks for any one learner; Fabric Paster on Fancy Boxes; 30 cents per hour; December 22, 1941.

Signed at Washington, D. C., this 27th day of October 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-8083; Filed, October 27, 1941;  
11:48 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite

the employer's name. These Certificates become effective October 27, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel: The following certificates at the rate of 75% of the applicable hourly minimum wage.

Clara Barton Nurses' Apparel, Inc., 82 St. Paul Street, Rochester, New York; Uniforms; 3 learners; October 27, 1942. (This certificate replaces one issued bearing expiration date of January 6, 1942.)

Baxley Dress Manufacturing Company, 115 Boren Avenue, North, Seattle, Washington; Dresses; 10 learners; October 27, 1942.

Benstone Manufacturing Company, Inc., 5202 103rd Street, Corona, New York; Men's and Boys' Pajamas; 10 percent; October 27, 1942.

Bernstein and Sons Shirt Corporation, Main Street, Terre Hill, Pennsylvania; Boys' Shirts; 10 percent; October 27, 1942.

Cambridge Cravat Company, 51 North Seventh Street, Philadelphia, Pennsylvania; Men's Neckwear; 4 learners; October 27, 1942.

The Cleveland Overall Company, 1768 East 25th Street, Cleveland, Ohio; Work Shirts, Pants, Coats and Coveralls; 10 percent; October 27, 1942.

Cohen, Goldman and Company, Inc., Queen and Pasteur Streets, New Bern, North Carolina; Men's Pants; 10 percent; October 27, 1942.

Congress Shirt Company, 831 Middle Street, Bath, Maine; Men's & Boys' Shirts, Jackets, Pants; 10 percent; October 27, 1942.

Continental Undergarment Company, Inc., One Junius Street, Brooklyn, New York; Ladies' Underwear; 10 percent; April 20, 1942.

David Coopersmith, Washington Street, Milford, Delaware; Ladies' Better Cotton Dresses; 10 percent; October 27, 1942.

Durable Pants Company, Inc., Upper Main Street, Egypt, Pennsylvania; Men's Work Trousers; 10 percent; October 27, 1942.

Crystal Springs Shirt Corporation, Crystal Springs, Mississippi; Men's Shirts; 10 percent; October 27, 1942.

Elizabeth Undergarment Corporation, 829 Newark Avenue, Elizabeth, New Jersey; Ladies' Underwear; 10 learners; October 27, 1942.

Fayette Sportswear Company, 122 Pleasant Street, Fall River, Massachusetts; Dresses; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., 835 Spring Street, Jeffersonville, Indiana; Work Pants; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., Paducah, Kentucky; Cotton



Work Shirts; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., 15th and Main Streets, New Albany, Indiana; Cotton Work Shirts, Wool Shirts, Lumberjackets; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., Vicksburg, Mississippi; Cotton Work Shirts, Cotton Work Pants; 10 percent; October 27, 1942.

Flash Sportswear Company, 1013 S. Los Angeles Street, Los Angeles, California; Ladies' Slack Suits; 3 learners; October 27, 1942.

Fletcher Brothers Company, 436-440 S. Liberty Street, Winston-Salem, North Carolina; Overalls; 7 learners; October 27, 1942. (This certificate replaces one issued bearing expiration date of October 6, 1942.)

Fox Knapp Manufacturing Company, Maple Avenue, Milton, Pennsylvania; Flannel, Cotton and Service Shirts; 10 percent; October 27, 1942.

Grace Corset Company, 242 Eleanor Street, Kalamazoo, Michigan; Foundation Garments; 10 percent; October 27, 1942.

Greenberg Clothing Company, Incorporated, 1010 Georgia Avenue, Chattanooga, Tennessee; Pants, Overalls, etc.; 5 learners; October 27, 1942.

J. Grinchuck Company, Main Street, Braidwood, Illinois; Boys' Longies, Boys' Knickers; 10 percent; October 27, 1942.

Hartwell Manufacturing Company, Inc., West Howell Street, Hartwell, Georgia; Pants, Shirts; 10 percent; October 27, 1942.

The Hercules Trouser Company, Manchester, Ohio; Men's and Boys' Single Pants; 10 percent; October 27, 1942.

The Hercules Trouser Company, Wells-ton, Ohio; Men's and Boys' Single Pants; 10 percent; October 27, 1942.

Hickerson and Company, 1014-1018 Laurel Street, Brainerd, Minnesota; Men's and Boys' Outdoor Clothing; 5 learners; October 27, 1942.

S. L. Hoffman and Company, Inc., 1 Carlton Avenue, Brooklyn, New York; House Dresses, Uniforms; 10 percent; October 23, 1942. (Omitted from Register of October 23, 1941. This certificate effective October 23, 1941.)

Karmel Manufacturing Company, 6th and Locust Streets, Mt. Carmel, Pennsylvania; Ladies' Dresses, Blouses and Pajamas; 10 percent; October 27, 1942.

H. W. Kemp, Beech and Evans Streets, Pottstown, Pennsylvania; Men's Sport Shirts; 5 learners; October 27, 1942.

S. H. Knopf Manufacturing Company, 470 Atlantic Avenue, Boston, Massachusetts; Leather Jackets, Woolen Sportswear; 5 percent; October 27, 1942.

Liberty Trouser Company, 2211 1st Avenue, Birmingham, Alabama; Overalls, Unionalls, Overall Jackets, Pants (Work and Dress); 10 percent; October 27, 1942.

J. Libman and Son, 94 Fulton Street, Paterson, New Jersey; Ladies' Underwear; 10 percent; October 27, 1942.

S. Liebovitz and Sons, Inc., Donoghue Street, Gallitzin, Pennsylvania; Men's Shirts; 10 percent; October 27, 1942.

S. Liebovitz and Sons, Inc., Ocean City Road, Salisbury, Maryland; Cotton Garments (Dress Shirts); 10 percent; October 27, 1942.

Lubell Brothers, 230-236 Marshall Street, Elizabeth, New Jersey; Boys' Shirts and Blouses; 10 percent; October 27, 1942.

McAdoo Sportswear Company, Inc., 125 South Tamaqua Street, McAdoo, Pennsylvania; Sportswear and Odd Outerwear; 5 percent; October 27, 1942.

Charles Meyers and Company, 102 W. Harrison Street, Belleville, Illinois; Trousers; 10 percent; October 27, 1942. (This certificate replaces one issued bearing expiration date of May 15, 1942.)

B. F. Moore and Company, 4 Eastern Avenue, Newport, Vermont; Work Clothing, Pants, Jackets; 5 learners; October 27, 1942.

Mt. Pleasant Mills Shirt Factory, Mt. Pleasant Mills, Pennsylvania; Shirts; 4 learners; October 27, 1942.

Blue Jean Manufacturing Company, 315 Cherry Street, Scranton, Pennsylvania; Trousers; 10 percent; October 27, 1942. (This certificate replaces one issued bearing expiration date of November 15, 1941.)

National Garment Company, Inc., Boyle and Duncan Avenues, St. Louis, Missouri; Dress Shirts; 10 percent; October 27, 1942.

National Garment Company, Chaffee, Missouri; Sport Shirts, Dressmaker Ensembles and Slack Suits; 10 percent; October 27, 1942.

The O-C Manufacturing Company, 5 Center Avenue, Little Falls, New Jersey; Elastic Web Athletic Supporters; 3 learners; October 27, 1942.

The Patricia Undergarment Company, Inc., 125 Main Street, Springfield, Massachusetts; Ladies' Silk Undergarments; 10 percent; October 27, 1942.

Peerless Manufacturing Company, 20 Fair Street, Hackensack, New Jersey; Brassieres; 10 percent; October 27, 1942.

Penn Children's Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; Children's Dresses; 10 percent; October 27, 1942.

Randolph Underwear Company, Inc., Randleman, North Carolina; Ladies' Slips of Woven Fabrics; 10 percent; October 27, 1942.

Regal Paper Company, Inc., Corner Port and Jefferson Streets, Pulaski, New York; Cotton Aprons; 10 learners; October 27, 1942.

Richfield Shirt Factory, Richfield, Pennsylvania; Shirts; 10 percent; October 27, 1942.

Royal Manufacturing Company, Washington, Georgia; Men's & Boys' Shirts and Sport Shirts, Slacks; 10 percent; October 27, 1942.

Royal Worcester Corset Company, 30 Wyman Street, Worcester, Massachu-

setts; Foundation Garments and Brassieres; 10 percent; October 27, 1942.

Salant and Salant, Inc., Lindell Street, Martin, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Lawrenceburg, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Pine Street, Lexington, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Washington Street, Paris, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salem Shirt Factory, R. D. #2, Mifflintown, Pennsylvania; Shirts; 5 learners; October 27, 1942.

I. Schneerson and Sons, Inc., 460 Globe Street, Fall River, Massachusetts; Ladies' Slips; 10 percent; October 27, 1942.

Selfast Dress Company, North Side Landis Avenue, Bridgeton, Vineland Pike, New Jersey; Toddlers and Children's Cotton Dresses; 10 percent; October 27, 1942.

L. Shellenberger and Sons, McAlisterville, Pennsylvania; Shirts; 10 percent; October 27, 1942.

The Shircraft Company, Inc., Lurgan Avenue, Shippensburg, Pennsylvania; Men's Dress Shirts; 10 percent; October 17, 1942.

Smartly Klad Frocks, Inc., Newburgh, New York; Dresses; 10 percent; October 27, 1942.

Smith-Levin-Harris, Inc., Lopez, Pennsylvania; Men's Pajamas; 10 percent; October 27, 1942.

Society Silk Lingerie Corporation, 115 York, Michigan City, Indiana; Ladies' Underwear; 10 percent; October 27, 1942.

Southeastern Shirt Company, LaFollette, Tennessee; Dress Shirts; 7 learners; October 27, 1942.

Southland Manufacturing Company, Wilmington, North Carolina; Dress Shirts; 10 percent; October 27, 1942.

Stylecraft Studios, Inc., 1043 East Genesee Avenue, Saginaw, Michigan; Foundation Garments, Corsets, Brassieres, etc.; 4 learners; October 27, 1942.

The Tanger-Goldberg Company, Inc., North Cherry Street, Wallingford, Connecticut; Men's Dress Shirts and Ladies' Riding Blouses; 10 percent; October 27, 1942.

Trump Apron Company, Frankfort, Kansas; Organdie Aprons; 1 learner; October 27, 1942.

Sam Umansky and Son, 316-320 Burnet Street, New Brunswick, New Jersey; Pants, Overalls, etc.; 3 learners; October 27, 1942.

United Pants Manufacturing Company, 26th and Regd Streets, Philadelphia, Pennsylvania; Trousers and Jackets; 10 percent; October 27, 1942.

The Utilitog Company, Holden Street, Warrensburg, Missouri; Women's Utility Uniforms; 6 learners; October 27, 1942.

Walco Garment Company, 127 East Ninth Street, Los Angeles, California;



Ladies' Cotton Garments; 10 percent; October 27, 1942.

Wear-Rite Brassiere Company, Inc., 37 West 26th Street, New York, New York; Corsets and Allied Garments; 10 percent; February 9, 1942.

Western Dress Company, 332 Central Street, Gilman, Illinois; Dresses; 8 learners; October 27, 1942.

Gloves: Clark Brothers, 17 Maple Avenue, Saratoga Springs, New York; Knit Fabric Gloves; 5 learners; October 27, 1942.

Good Luck Glove Company, 1304 Market Street, Metropolis, Illinois; Work Gloves; 10 percent; April 27, 1942.

Good Luck Glove Company, Washington and College Streets, Carbondale, Illinois; Work Gloves; 5 percent; October 27, 1942.

Keller Glove Manufacturing Company, Plumsteadville, Pennsylvania; Work Gloves; 5 learners; October 27, 1942.

Saranac Glove Company, 42 Saranac Street, Littleton, New Hampshire; Work and Dress Gloves; 4 learners; October 27, 1942.

Hosiery: Auburn Hosiery Mills, Auburn, Kentucky; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Charles H. Bacon Company, Loudon, Tennessee; Seamless Hosiery; 5 percent; October 27, 1942.

Clay County Products Company, Inc., 217 Bay Street, Green Cove Springs, Florida; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Egg Harbor Knitting Mills, Inc., Buffalo Avenue, Egg Harbor City, New Jersey; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Fay Hosiery Mills, Inc., East Avenue, Elyria, Ohio; Seamless Hosiery; 5 percent; October 27, 1942.

Fayetteville Knitting Mills, Inc., Fayetteville, N. C.; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Georgia Hosiery Mills, N. Main Street, Blakely, Georgia; Seamless Hosiery; 5 learners; October 27, 1942.

Imperial Hosiery Mills, Inc., Mocksville, North Carolina; Seamless Hosiery; 5 learners; October 27, 1942.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pennsylvania; Seamless Hosiery; 5 percent; October 27, 1942.

Interwoven Stocking Company, Martinsburg, West Virginia; Seamless Hosiery; 5 percent; October 27, 1942.

Koonts Hosiery Mill, Route No. 3, Lexington, North Carolina; Seamless Hosiery; 9 learners; June 27, 1942.

Massachusetts Knitting Mills, Corporation, Columbia, Tennessee; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Rutledge Hosiery Mill Company, Rutledge, Tennessee; Seamless Hosiery; 5 learners; October 27, 1942.

William T. Tonner, Pierce Street, Lansdale, Pennsylvania; Seamless Hosiery; 5 learners; October 27, 1942.

Van Raalte Company, Boonton, New Jersey; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Van Raalte Company, Inc., Athens, Tennessee; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Wayne Knitting Mills, Riverside, New Jersey; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Knitted Wear: The Rayotex Knitting Mills, Tempest Street, Perry, New York; Knitted Underwear; 5 learners; October 27, 1942.

Textile: Bartow Textile Company, Cartersville, Georgia; Bedspreads; 200 learners; April 27, 1942.

Signed at Washington, D. C., this 27th day of October 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-8084; Filed, October 27, 1941; 11:48 a. m.]

#### NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

JOSEPH P. MANNING CO.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Joseph P. Manning Company, Boston, Massachusetts, relief from the necessity of preserving their billings to customers for two years as required by § 516.15 (b) on condition that the information and data entered on those billings are entered in their ledgers which will continue to be preserved in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 23d day of October 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-8085; Filed, October 27, 1941; 11:48 a. m.]

#### NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

AMERICAN TOBACCO CO.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted The American Tobacco Company, New York, N. Y., relief from the necessity of preserving their bills of lading to customers for two years as required by § 516.15 (b), on condition that the information and data entered on those bills of lading are carried on their customer invoices and that those invoices will continue to be preserved in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 25th day of October 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-8086; Filed, October 27, 1941; 11:48 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket No. SR-101]

IN THE MATTER OF JOHN H. NANCE, JR.,  
PETITIONER, APPLICANT FOR A COMMERCIAL PILOT CERTIFICATE

#### ORDER ASSIGNING ORAL ARGUMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of October, 1941.

Acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 602 (b) and 1004 (a) of said Act, the above entitled proceeding, being a reconsideration of the application of John H. Nance, Jr., for a commercial pilot certificate, is hereby assigned for oral argument, before the Board, on the 29th day of October, 1941, 10 a. m. (Eastern Standard Time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C. Fifteen minutes will be allowed each side for said argument.

Dated Washington, D. C., October 24, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-8054; Filed, October 27, 1941; 9:45 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-195]

IN THE MATTER OF RESERVE PLAN INVESTMENT CORPORATION

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1941.

An application having been duly filed on August 15, 1941 by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that applicant has ceased to be an investment company;

It is ordered, That a hearing on this application be held on November 4, 1941 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any other officer or offi-



cers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8045; Filed, October 25, 1941;  
11:50 a. m.]

[File No. 1-3067]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF CONDOR GOLD MINING COMPANY COMMON CAPITAL STOCK, 7½ CENTS PAR VALUE, NONASSESSABLE SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1941.

### I

It appearing to the Commission:

That Condor Gold Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Common Capital Stock, 7½ Par Value, Non-assessable; and

That said Condor Gold Mining Company registered such security on the Salt Lake Stock Exchange, a national securities exchange, by filing on or about March 27, 1939, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective April 26, 1939, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual

report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Condor Gold Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the Instruction Book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Condor Gold Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was required to be filed not later than April 30, 1941; that no request for an extension of time was filed by said Condor Gold Mining Company; that no annual report for the fiscal year ended December 31, 1940 was filed either within the prescribed time or at any time thereafter; and

It further appearing to the Commission:

That pursuant to section 13 of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, said Condor Gold Mining Company filed with the Commission on May 3, 1940, its annual report on Form 10-K for the fiscal period ended December 31, 1939; that said Condor Gold Mining Company has failed to comply with said section 13 of the Securities Exchange Act of 1934, as amended, the Rules, Regulations, Form 10-K, and the Instructions thereto, promulgated by the Commission thereunder, in that the balance sheet and Schedule II in support thereof, filed as part of Item 8 of said Form 10-K, did not correctly reflect the true financial condition of the registrant and were and are false and misleading with respect to material facts at the time and in the light of the circumstances, in the following respect:

The figure given for "Cost of mining claims located in Elko County, Nevada" is materially overstated; and

### II

The Commission having reasonable cause to believe that:

(a) The said Condor Gold Mining Company has failed to comply with the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder in that (1) it has failed to file its annual report for the year ended December 31, 1940 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any time thereafter; and

(b) The said Condor Gold Mining Company has failed to comply with the

provisions of said Section 13 of the Securities Exchange Act of 1934, as amended, the Rules and Regulations, Form 10-K and the Instructions thereto, promulgated by the Commission thereunder, in that the annual report filed by it for the fiscal period ended December 31, 1939 fails to meet the requirements as above specified; and

### III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Condor Gold Mining Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 7½ Par Value, Non-Assessable, of said Condor Gold Mining Company on said Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Gilbert C. Maxwell, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 17th day of November at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 444 17th Street, Denver, Colorado, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8046; Filed, October 25, 1941;  
11:51 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY, AND SAN DIEGO GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER OF EXTENSION OF TIME FOR FILING NOTIFICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C.,



on the 25th day of October, A. D. 1941.

The Commission having made findings and entered an order herein on June 20, 1941, as amended on June 24, 1941, approving a plan filed by Standard Gas and Electric Company for disposition of 590,527 shares of common stock of San Diego Gas & Electric Company owned by it, on condition that Standard Gas and Electric Company notify the Commission in writing within 30 days of the date of said order as to the availability of the proceeds of the sale of said shares of common stock of San Diego Gas & Electric Company for the immediate reduction of the indebtedness of the said Standard Gas and Electric Company, and steps taken and proposed to be taken by the said Standard Gas and Electric Company in connection therewith;

And it appearing that because certain legal questions had arisen as to the meaning and intent of the provisions of the Supplemental Trust Agreement dated April 1, 1938 securing said indebtedness, with respect to the time at which the said Standard Gas and Electric Company might cause sums deposited with the Trustees for the various notes and debentures of said company to be used for the retirement of said notes and debentures, the said company requested and the Commission entered an order on September 25, 1941 extending the time to October 20, 1941 for the said company to report as aforesaid;

And it further appearing that the said company by petition dated October 20, 1941 has requested an additional extension of time to arrive at a solution of the aforesaid legal questions;

*It is ordered*, That the date for the filing by Standard Gas and Electric Company of notification as contemplated by the findings and opinion, and particularly as provided in condition numbered (2) of the order of this Commission entered on June 20, 1941, be and the same is hereby extended to November 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8079; Filed, October 27, 1941;  
11:34 a. m.]

[File No. 70-411]

IN THE MATTER OF INTERNATIONAL  
UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1941.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regular quarterly dividend on November 1, 1941, on its \$3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 98,968 shares of such stock presently outstanding, the aggregate amount of such payment being \$86,597;

Said declaration having been filed on October 8, 1941, and a certain amendment having been filed thereto on October 11, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration, as amended, become effective on or about October 23, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and the same hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8080; Filed, October 27, 1941;  
11:34 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND  
ELECTRIC ASSOCIATION, RESPONDENT

ORDER DENYING INTERVENTION BUT PERMIT-  
TING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October A. D. 1941.

The Commission having by its order of September 30, 1941, directed its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to the above-named respondent; and

Thomas D. Lavelle, having filed an application to intervene in these proceedings representing that he is the attorney for Thomas H. Peterson, owner of a transferable certificate of beneficial interest of the class designated as "\$5.50 Dividend Series Preferred Shares" of the above-named respondent; and

The Commission having considered said application and the affidavit in support thereof;

*It is ordered*, That said application for leave to intervene be and the same is hereby denied, without prejudice, however, to the right of said Thomas D. Lavelle to renew his application for leave to intervene and to be made a party to these proceedings at a future date;

*It is further ordered*, That the said Thomas D. Lavelle shall be entitled to participate in said proceedings to the extent of cross examining witnesses, introducing evidence, filing of briefs, and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8081; Filed, October 27, 1941;  
11:34 a. m.]



